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THE DECLARATIONS AND OTHER PLEADINGS,

Contained in the eleven PARTS of

THE

REPORTS

OF

Sir *EDWARD COKE* Knight,

SOMETIME

Lord Chief Juſtice of *ENGLAND*; and one of his Majeſtes Council of ESTATE.

Rendred into Engliſh,

By W. HUGHES of *Grayes-Inne*, Eſquire. For the benefit of all Students, and Practizers of the Common Law.

With a Perfect TABLE of the Principal Matters thereunto Annexed.



LONDON,

Printed for *W. Lee*, *D. Pakeman*, and *G. Bedell*, to be ſold at their Shops in *Fleet-ſtreet*. 1659.



ACTIONS upon the CASE.

Easter Term, Anno 43. *in the* Kings Bench, *Rott.* 569.

1 *Lutterels* Case, *Co.* 4. part. fol. 84 *b.*

Memorandum, That at another time, That is to say, *Somer. ſſ.* in the Term of St. *Michael* laſt paſt, before our Lady the Queen at *Weſtminſter*, came *Edward Cottel* Gent. by *John Nightingale* his Attorney, and brought here in the Court of the ſaid Lady the Queen, then and there, his Bill againſt *George Lutterell*, Eſq. *Robert Norcome*, and *John Quick* in the Cuſtody of the Marſhal, *&c.* of a Plea of Treſpaſſe upon the Caſe: And are Pledges of ſuit, *John Doo*, and *Richard Roo*, which Bill followes in theſe Words: ſſ. *Somerſet.* ſſ. *Edward Cottell*, Gent. complaneth of *George Lutterell*, Eſq. *Robert Norcome*, and *John Quick*, in the Cuſtody of the Marſhall of the Marſhalſey of the ſaid Lady the Queen, before the Queen being, for that, *viz.* That whereas the ſaid *Edward*, the 4th. day of *May* in the 41th. year of the Reign of the ſaid Lady *Elizabeth*, now Queen of *England*, and before, he was ſeized of and in Two antient and ruinous Fulling Mills with the appurtenances in *Dunſter*, in the County aforeſaid, in his Demeſn as of Fee, To which Fulling Mills, a great part of the Water of the River in *Dunſter* aforeſaid, from a certain place called the *Headwear* of the ſaid River in *Dunſter* aforeſaid, the ſaid 4th. day of *May*, the 41. year aforeſaid did run; and alſo before, time out of memory of Men continually accuſtomed and uſed to run; And whereas alſo, the ſaid 4th. day of *May*, in the 41. year aforeſaid, and before, time out of the memory of Men, for the preſervation, direction, and continuing of the right courſe of the ſaid great part of the Water of the River aforeſaid, to run to the Fulling Mills aforeſaid, A certain thick bank was made of Timber and Earth neer and above the Mills aforeſaid, on the Weſt part of the Courſe of the ſaid great part of the ſaid Water of the River aforeſaid, and was neer adjoyning to a certain Street, commonly called *Weſt-ſtreet*, in *Dunſter* aforeſaid: And alſo whereas, the ſaid *Edward*, of the aforeſaid Fulling Mills, with the appurtenances in the form aforeſaid being ſeized, Afterwards, that is to ſay, the 28th. day of *October*, in the 41. year of the ſaid Lady the Queen that now is, The ſaid two Fulling Mills, (as before is ſaid) being ruinous, did totally pull down, and afterwards, that is to ſay, The 20th. day of *June*, in the year of the Reign of the ſaid Lady the Queen that now is, the 42. at *Dunſter* aforeſaid, in the County aforeſaid, in the places of them, and where the aforeſaid Two Fulling Mills before were made and built, upon the aforeſaid great part of the ſaid Water of the River aforeſaid, Two Corn Mills for the grinding of Corn newly had

had builded, erected, and perfected, By reaſon whereof the ſaid *Edward* then was ſeized, and as yet is ſeized of the ſaid two Corn Mills (ſo as before is ſaid) new built, erected, and perfected, in his Demeſn as of Fee, and the aforeſaid great part of the Water of the River aforeſaid, in *Dunſter* aforeſaid, from the the ſaid place called the *Headwear*, of the ſaid River in *Dunſter* aforeſaid, from the time of the new building, erecting and perfecting of the aforeſaid his Corn Mills, untill the 10th. day of *September* then next following did run: By pretence of which, The ſaid *Edward*, after the building of the ſaid Two Corn Mills, until the ſaid 10th. day of *September*, divers gains and profits of the ſaid people of the Lady the Queen that now is, for the grinding of their Corn at the ſaid Corn Mills had gotten; Yet the ſaid *George*, *Robert*, and *John* not ignorant of the premiſes, maliciouſly deviſing, and intending, the ſaid *Edward* unjuſtly to moleſt, and him altogether to hinder and deprive of the profits of the grinding of their Corn Mills aforeſaid, the ſaid 10th. day of *September*, in the 43. year aforeſaid, The ſaid thick bank aforeſaid, did dig and break, And the whole aforeſaid great part of the aforeſaid Water of the River aforeſaid, which to the aforeſaid Corn Mills of the ſaid *Edward* from the ſaid place called the *Headwear*, did run, and ought and uſed to run, from his antient and uſed courſe, That is to ſay, in the ſaid Sreet, commonly called the *Weſt-ſtreet*, in *Dunſter* aforeſaid, did divert and withdraw, wherby the ſaid *Edward*, of the grinding of the whole profit of their Corn Mills afore, for a great time, That is to ſay, from the aforeſaid 10th. day of *September*, in the 42. year aforeſaid, until the bringing of this Bill, *viz.* that is to ſay, the 20th. day of *November*, in the Reign of the ſaid Lady the Queen that now is, the 43. wholly loſt, to the damage of the ſaid *Edward* 200 l. And therefore he brings his Sute. And now at this day, that is to ſay, *Wedneſday* next after 15. dayes of *Eaſter* this Term, until which day the ſaid *George*, *Robert*, and *John*, had licence to imparl, and then to anſwer, *&c.* before the ſaid Lady the Queen at *Weſtminſter*, come as well the ſaid *Edward* by his Attorney aforeſaid, as the ſaid *George*, *Robert*, and *John Quick*, by *Stephen Brodrippe* their Attorney, and the ſaid *George*, *Robert*, and *John*, defend the force and injury, when, *&c.* And ſay, that they are thereof no wayes guilty, And of this put themſelves upon the Country; And the ſaid *Edward* likewiſe, *&c.* Wherefore, a Jury was to come before the ſaid Lady the Queen at *Weſtminſter*, upon *Thurſday*, in 15. dayes of the *Holy Trinity*, and who neither, *&c.* And becauſe as well, *&c.* The ſame day is given to the parties aforeſaid, here, *&c.* Afterwards proceſs was continued between the parties aforeſaid, of the plea aforeſaid, by Juries thereof reſpited between them before the ſaid Lady the Queen, at *Weſtminſter*, until *Fryday* next after 8. dayes of St. *Michael* then next following, Unleſs the Juſtices of the Lady the Queen aſſigned to take Aſſizes in the County aforeſaid, Firſt, upon *Thurſday* the 6th. day of *Auguſt*, at the Caſtle of *Taunton* in the County aforeſaid, by the form of the Statute, *&c.* ſhall come for default of Jurors, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attorneyes aforeſaid, And the aforeſaid Juſtices of the Aſſizes, before whom, *&c.* ſent hither their Record had before them in theſe words. 1 ſſ. Afterwards the day and place within contained, before *William Periam* Knt. Chief Baron of

the

the Queens *Exchequer*, and *Edward Fennier*, one of the Juſtices of the ſaid Lady the Queen, of Pleas holden before the ſaid Queen, Aſſigned Juſtices of the ſaid Lady the Queen, Aſſigned to take Aſſizes in the ſaid County of *Somerſet*, by the form of the Statute, &c. come as well the ſaid *David Cottell* Gent. by *Adrian* Street his Attorney, As the within written *George Lutterell*, *Rob. Norcome*, and *John Quick*, by *Henry Collier* their Attorney: And the Jury whereof mention is within made, being likewiſe called, came, who being choſen, tried, and ſworn to ſay the truth of the matter within conteined, Say, upon their Oathe, That the ſaid *George*, *Robert*, and *John* are guilty of the premiſes within put unto them. As the ſaid *Edward Cottell* within againſt them complaineth; And they do aſſeſs the damages of the ſaid *Edward*, for the occaſion within written, beſides Coſts and Charges by him about his ſute in his part expended ſet to 40. s. and for Charges and Coſts of ſute to 5. s. Therefore it is granted, That the ſaid *Edward*, ſhall recover againſt the ſaid *George*, *Robert*, and *John*, his damages aforeſaid by the Jury, in form aforeſaid aſſeſſed; As alſo 6. l. for his Coſts to the ſaid *Edward*, by the Court of the Lady the Queen, here with his aſſent of increaſe adjudged; which damages in the whole, do amount to 8. l. and 5. s. And the ſaid *George*, *Robert*, and *John*, in mercy, &c.

Hillary Term, 38. *Eliz.* Anno 305. *in the* Kings Bench,
Slades Caſe, *Co.* 4. part. Fol. 91. a.

Memorandum, At another time, That is to ſay, The Term of St. *Michael* laſt paſt, before the Lady the Queen at *Weſtminſter*, came *John Slade*, by *Nicholas Veare* his Attorney, and brought there in the Court of the ſaid Lady the Queen then there, a certain Bill againſt *Humphrey Morley*, in the Cuſtody of the Marſhal, &c. Of a Plea of Treſpas upon the Caſe: And are Pledges of ſute, *John Doo*, and *Richard Roo*, which Bill followeth in theſe Words: ſſ. *Devon.* ſſ. *John Slade* complaineth of *Humphrey Morley*, in the Cuſtody of the Marſhal of the Marſhalſey of the Lady the Queen, before the Queen her ſelf being, for that, that is to ſay, That whereas the ſaid *John*, the 10th. day of *November*, in the year of the Reign of the ſaid Lady *Elizabeth*, now Queen of *England* the 36th. was poſſeſſed for the Term of divers years then and yet to come, of, and in one Cloſe of Land with the appurtenances in *Halberton*, in the County aforeſaid, called *Rack Park*, containing by eſtimation 8. Acres, and ſo hereof being poſſeſſed, The ſaid *John* afterwards, That is to ſay, the ſaid 10th. day of *November*, in the 36th. year aforeſaid, had ſowed the ſaid Cloſe with Wheat and Rye, which Wheat and Rye in the Cloſe aforeſaid, by the ſaid *John* (ſo as before is ſaid) ſowed, afterwards, That is to ſay, the 8th. day of *May*, in the year of the Reign of the ſaid Lady the Queen, that now is, the 37th. were grown into ears. The ſaid *Humphrey*, the aforeſaid 8th. day of *Devon.* ſſ

May in the ſayd 37. aforeſaid, The ſaid Wheat and Rye in ears upon the Cloſe aforeſayd (as before is ſaid) then growing, at *Halberton* aforeſaid, in conſideration that the ſaid *John* then and there at the ſpecial inſtance and requeſt of the ſaid *Humphry* had bargained and ſold unto the ſaid *Humphry* to the uſe and behoof of the ſaid *Humphry*, All the eares of Wheat and Corn which then did grow upon the ſaid Cloſe called the *Rack Park* (the Tithes thereof to the Rector of the Church of *Halberton* aforeſaid due only excepted) did aſſume and then and there faithfully promiſed, That he the ſaid *Humphry* ſixteen pounds of lawful Mony of *England*, to the aforeſaid *John*, in the Feaſt of St. *John* the *Baptiſt*, then next following, would well and truly content and pay: Yet the ſaid *Humphery*, his aſſumption and promiſe aforeſaid little regarding, but endeavouring and intending the ſaid *John* of the aforeſaid 16. l. in that part ſubtilly and craftily to deceive and defraud, the ſaid 16. l. to the ſaid *John* according to his aſſuming and promiſe hath not yet paid, nor any way for the ſame contented him, although the ſaid *Humphry* thereunto afterwards, That is to ſay, the laſt day of *September*, in the year of the Reign of the ſaid Lady the Queen that now is, the 37. aforeſaid, at *Halberton* aforeſaid, by the ſaid *John* was oftentimes thereunto required, but to pay him, or content to pay him altogether refuſed, and doth yet refuſe; Whereupon the ſaid *John* ſaith he is the worſe, and hath damage to the value of 40. pounds and thereof he bringeth ſute, *&c.* And now at this day, That is to ſay, *Friday* next after the 8. day of St. *Hillary*, the ſelf ſame Term, until which day aforeſaid, the ſaid *Humphry* had licenſe to imparl to the Bill aforeſaid, and then to anſwer, *&c.* before the Lady the Queen at *Weſtminſter*, cometh well the ſaid *John* by his Attorny aforeſaid, as the ſaid *Humphery* by *John Halſtaff* his Attorny; and he the ſaid *Humphry* doth defend the force and Injury when, *&c.* And ſaith, That he did not take upon him in manner and form, as the ſaid *John Slade* hath complained againſt him; And upon that putteth himſelf upon the Country; and the ſaid *John Slade* likewiſe, *&c.* Therefore a Jury was to come before the ſaid Lady the Queen at *Weſtminſter*, upon *Thurſday* next after 8. dayes of the Purification of the bleſſed *Mary*, &c. and who neither, *&c.* And becauſe as well, *&c.* The ſame day is given to the parties aforeſaid there, *&c.* Afterwards proceſs was continued between the parties aforeſaid, of the Plea aforeſaid, by Juries thereof reſpited between them before the Lady the Queen at *Weſtminſter*, untill *Wedneſday* next after the fifteenth day of *Eaſter* the next, *&c.* following, Unleſs the Juſtices of the Lady the Queen to take Aſſiſes, firſt upon *Monday* the ſecond Week of *Lent*, at the Caſtle at *Exeter*, in the County aforeſaid, by the form of the Satute, *&c.* ſhall come, for default of Jurors, *&c.* At which *Wedneſday*, before the Lady the Queen at *Weſtminſter* aforeſaid, came the parties aforeſaid, by their Attornies aforeſaid, And the before ſaid Juſtices of Aſſizes, before whom, *&c.* ſent hither their Record before them had in theſe words. *ff.* Afterwards the day and place within mentioned, before *Thomas Walmeſley*, one of the Juſtices of the Queen of the *Common Pleas*, and *Edward Fenner* one of the Juſtices of the ſaid Lady and Queen, aſſigned to hold plea before the Queen her ſelf, Juſtices of the ſaid Lady the Queen aſſigned to take Aſſizes in the County aforeſaid, by form of the Statute, *&c.* come as well he was named *John Slade* by *Thomas*

was Clayton his Attorny, as the within written *Humphry Morley* by *Henry Collier* his Attorny, and the Jurors ſworn, whereof mention is within made likewiſe, being called came, who to ſay the truth of the matters within contained, being choſen, tried, and ſworn; ſay upon their Oath, That the ſaid *Humphry Morley* did buy of the ſaid *John Slade* the within written Wheat and Rye, in eares upon the within written Cloſe (as is ſaid before) growing being, for 16. pound of good and lawful mony of *England*, To be paid to the ſaid *John Slade* in the Feaſt of St. *John* the Baptiſt, then next following, as in the Declaration within written is within ſpecified; And further, The ſaid Jurors ſay, upon their Oath aforeſaid, That betwixt the ſaid *John Slade*, and the ſaid *Humphry Morley*, There was no promiſe or taking upon him, beſides the bargain aforeſaid: But whether upon the whole matter aforeſaid, by the ſaid Jurors in form aforeſaid found, The ſaid *Humphry Morley* did take upon him in manner and form, as in the Declaration within written, within ſpecified, or no, the ſaid Jurors are altogether ignorant, and thereof they ask the Advice and Conſideration of the Court here, *&c.* And if upon the whole matter aforeſaid, by the ſaid Jurors in form aforeſaid found, It ſhall ſeem to the Juſtices of the Court here, That the ſaid *Humphry Morley*, did take upon him in manner and form, in the Declaration within ſpecified, Then the ſaid Jurors ſay upon their Oath aforeſaid, That the aforeſaid *Humphry Morley*, did take upon him in manner and form, as the aforeſaid *John Slade* within againſt him complaineth; And then they do aſſeſſe the damages of the ſaid *John Slade*, by occaſion of not performance of his promiſe, and taking upon him within written, beſides his charges and his coſts by him, in the ſute aforeſaid by him expended to Sixteen pounds: And for thoſe charges and coſts by Twenty Shillings: And if upon the whole matter by the ſaid Jurors, in form aforeſaid found, It ſhall ſeem to the ſaid Juſtices and Court here, That the ſaid *Humphry Morley*, did not take upon him in manner and form, in the Declaration within ſpecified, Then the ſaid Jurors ſay upon their Oath, That the ſaid *Humphry* did not take upon him in manner and form, as the ſaid *Humphry* hath within alleged: And becauſe the Court of the Lady the Queen here of their judgement of, and upon the premiſes to be given, is not yet aviſed; Day is given to the parties aforeſaid, in State as now it is before the Lady the Queen at *Weſtminſter*, until *Monday* next after 15. dayes of the Holy *Trinity*, to hear their judgement of and upon the premiſes: Becauſe the Court of the Lady the Queen here thereof not yet, *&c.* And ſo from Term to Term, untill *Saturday* next after 8. dayes of St. *Michael* to hear their judgement of and upon the premiſes: Becauſe the Court of the Lady the Queen, here not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter* aforeſaid, came the parties aforeſaid in their proper perſons: Upon which ſeen, and by the Court of the Lady the Queen, all and ſingular the premiſes fully underſtood, and mature deliberation being thereupon had, For that it ſeemeth to the Court of the ſaid Lady the Queen now here, That the ſaid *Humphry* did take upon him in manner and form, in the Declaration aforeſaid above ſpecified: It is granted, That the aforeſaid *John Slade* ſhall recover againſt the ſaid *Humphry Morley*, his damages and coſts aforeſaid, by the Jurors aforeſaid, in form aforeſaid aſſeſſed: As alſo Nine pounds for his charges

charges and coſts aforeſaid to the ſaid *John Slade*, by the Court of the ſaid Lady the Queen, here by his aſſent of enceaſe adjudged, which damages in the whole do amount to Twenty and ſix pounds. And the ſaid *Humphry Morley* in mercy, *&c.*

Hillary Term. 8. Jacobi, *Rott.* 1112. William Banes *Caſe*, C. 9. part *fol.* 91. *a.*

MEmorandum, That at another time, that is to ſay, In the Term of St. *Michael* laſt paſt, before the King at *Weſtminſter*, cometh *William Banes*, by *Thomas Ferrer* his Attorny, and brought here in the Court before the ſaid Lord the King that now is, his Bill againſt *Edward Paine*, and *Mary* his Wife, in the Cuſtody of the Marſhal, of a Plea of Treſpaſs upon the Caſe, And are Pledges of Sute, that is to ſay, *John Doo*, and *Richard Roo*, Which Bill followeth in theſe words. ſI. *Willam Banes* complaineth of *Edward Paine*, and *Mary* his Wife, in the Cuſtody of the Marſhall of the Marſhalſey of the Lord the King, before the King himſelf being, for that is to ſay, That whereas one *William Havert*, in his life time, the late Huſband of the aforeſaid *Mary*, That is to ſay, the firſt day of *March*, in the year of the Reign of the Lord *James*, that now is King of *England*, the 6 th. at *London*, that is to ſay, in the Pariſh of the bleſſed *Mary* of *Bow* in the Ward of Cheap *London*, was indebted to the ſaid *William Banes* in 77. ipounds of lawful Money of *England*, for divers ſumms of Mony to him the ſaid *William Havert* by the aforeſaid *William Banes*, give to loan and lent; And ſo being endebted, the ſaid *William Havert* afterwards, that is to ſay, the 6 th. day of *April*, in the year of the Reign of the Lord the King that now is of *England*, the 7th. at *London*, in the Pariſh and Ward aforeſaid, lying ſick, earneſtly required the ſaid *Mary* then his Wife, to pay to the ſaid *William Banes*, after the death of the ſaid *William Havert*, the ſaid 77. pounds; And then and there the ſaid *William Havert* made his Teſtament and laſt Will, and made and conſtituted the ſaid *Mary* Executrix of his ſaid laſt Will, & then there dyed; After whoſe death, the ſaid *Mary* took opon her the burthen of Execution of the Teſtament aforeſaid; And whereas, the aforeſaid *Mary*, after the death of the ſaid *William Havert*, by colour of the laſt Will aforeſaid, was poſſeſſed of the intereſt of a Term for divers years, then and yet to come, Of and in certain Gardens, and a Bowling-Ally, ſcituate and being in *Moreſield*, that is to ſay, in the Pariſh of St. *Leonard* in *Shordich*, in the County of *Midd.* And the ſaid *Mary* when ſhe was ſingle, perceiving that the aforeſaid *William Banes*, intented to trouble and ſue the ſaid *Mary* for the aforeſaid 77. pounds, (becauſe that the ſaid *Mary*, the ſaid 77. pounds to the ſaid *William Banes*, after the death of the aforeſaid *William Havert* her Huſband deceaſed had not paid,) the ſaid *Mary* whileſt ſhe was ſingle, afterwards, that is to ſay, 25 th. day of *June*, in the year of the Reign of the ſaid Lord the King that now is of *Engl.* the 7 th. aforeſaid, At *London*

aforeſaid

aforeſaid, in the Pariſh and Ward aforeſaid. In conſideration that the ſaid *William Banes*, at the inſtance and eſpecial requeſt of the ſaid *Mary*, ſhould not trouble, or ſue the ſaid *Mary*, for the ſaid 77. pounds, but would forbear the payment thereof until the next Quarter, that is to ſay, until the Feaſt of St. *Michael* the *Archangel* then next following, Promiſed unto the ſaid *William Banes* then and there faithfully, That ſhe the ſaid *Mary*, the aforeſaid 77. pounds to the ſaid *William Banes* then at that next Quarter, that is to ſay, at the Feaſt of St. *Michael* the *Archangel*, then next following the promiſe aforeſaid, in the 7th. year aforeſaid, well and truly would pay and content, Or otherwiſe the ſaid *Mary*, then and there would aſſign to the ſaid *William Banes* for his ſecurity in that behalf, for the payment of the aforeſaid 77. pounds. All the Intereſt of the Term of years, which ſhe the ſaid *Mary* then had to come of and in the Gardens, and Bowling-Ally aforeſaid, if the ſaid *Mary* the ſaid 77. pounds to the ſaid *William Banes*, according to her aſſumption and promiſe aforeſaid had not paid. And the ſaid *William Banes* further ſaith, That he the ſaid *William Banes* giving Faith to the promiſe and undertaking of the ſaid *Mary*, did not trouble or ſue the ſaid *Mary* for the ſaid 77. pounds, but did forbear the payment thereof, from the time of the promiſe aforeſaid, until the Feaſt of St. *Michael* the *Archangel*, next following the promiſe aforeſaid, in the year aforeſaid; And the ſaid *William Banes* further ſaith, That after the premiſes aforeſaid, in form aforeſaid, that is to ſay, the 10th. day of *November*, in the 4th year aforeſaid, at *London* aforeſaid, in the Pariſh and Ward aforeſaid, the ſaid *Mary* took to Husband the aforeſaid *Edward Paine*: Yet the aforeſaid *Mary*, whileſt ſhe was ſingle, or the ſaid *Edward* and *Mary* after the Mariage between them ſolemnized, the undertaking & promiſe of the ſaid *Mary* whileſt ſhe was ſingle little regarding, but threating, and fraudulently intending the ſaid *William Banes*, of the aforeſaid 77. pounds, craftily and ſubtilly to deceive, and defraud of the ſaid 77. pounds, nor the ſaid *Mary*, whileſt ſhe her ſelf was ſingle to the ſaid *William Banes* at the aforeſaid Quarter, that is to ſay, at the Feaſt of St. *Michael* the *Archangel* next following the promiſe aforeſaid, in the 7th. year aforeſaid, according to the promiſe and undertaking aforeſaid, in this behalf paid, or any was for the ſame contented, or otherwiſe, then and there at that Feaſt did not aſſign to the ſaid *William Banes*, All the Intereſt of the Term of years which ſhe the ſaid *Mary* then had to come of and in the Gardens and Bowling-Alley aforeſaid, Nor the ſaid *Edward* and *Mary*, the Mariage betwixt them being celebrated, at any time after he his the aforeſaid 77. pounds, to the ſaid *William Banes*, according to the promiſe and undertaking of the ſaid *Mary* aforeſaid, have paid, or any wayes for the ſame have contented him, Or all the Intereſt aforeſaid of the Term of years, of the ſaid *Edward* and *Mary*, of and in the Gardens and Bowling-Ally aforeſaid, according to the promiſe and undertaking of the ſaid *Mary*. to the ſaid *William Banes* for his ſecurity in that behalf hitherto have aſſigned, although this to do by the ſaid *William Banes*, the ſaid *Mary* whileſt ſhe was ſingle, and the ſaid *Edward* and *Mary* after the Mariage betwixt them celebrated, that is to ſay, the laſt day of *September*, in the year of the Reign of the ſaid Lord the King, that now is of *England*, the 8th. at *London* aforeſaid, in the Pariſh and Ward aforeſaid, often were required.

By

By which, the ſaid *William Banes*, all the gain, commodity, and profit, which he with the aforeſaid 77. pounds, in buying, ſelling, and lawfully bargaining, could have had or gained, if the ſaid *Mary* her promiſe and undertaking aforeſaid, in form aforeſaid had performed, utterly loſt, whereupon, the ſaid *William Banes* ſaith, That he is the worſe, and hath damage to the value of one 100. pound, And hereof bringeth ſute, *&c.* And now, at this day, that is to ſay, *Wedneſday* next after 8. dayes of St. *Hillary* this ſame Term, untill which day the ſaid *Edward* and *Mary* had Licenſe to the Bill aforeſaid to imparl, and then to Anſwer, *&c.* before the Lord the King at *Weſtminſter*, cometh as well the aforeſaid *William Banes* by his Attorney aforeſaid, as the ſaid *Edward* and *Mary* by *Iſham Novell* their Attorney; and the ſaid *Edward* and *Mary*, defend the force and injury when, *&c.* And ſay, That the ſaid *Mary* did not take upon her in manner and form, as the aforeſaid *William Banes* above againſt them hath declared, And of this put themſelves upon the Countrey, and the aforeſaid *William Banes* likewiſe, *&c.*

Therefore a Jury thereof was to come before the Lord the King at *Weſtminſter*, upon *Monday* next after 15. dayes of St. *Hillary*; and who neither, *&c.* Becauſe as well, *&c.* The ſame day is given to the parties aforeſaid here, *&c.* Afterwards the Proceſs was continued between the parties aforeſaid, of the Plea aforeſaid, by Jurors thereof put between them, in reſpite before the Lord the King at *Weſtminſter* untill *Tueſday* next, after 8. dayes of the Purification of the bleſſed Lady then next following, unleſſe the beloved and faithful of the Lord the King, *Thomas Flending* Knight, Chief Juſtice of the Lord the King of Pleas, in the Court of the ſaid Lord the King, before the King himſelf to be holden, aſſigned, firſt upon *Monday* next, after the aforeſaid 8. dayes of Purification of the bleſſed Lady, at the *Guild-hall London*, by form of the Statute, *&c.* cometh, for default of Jurours, *&c.* At which day, before the Lord the King at *Weſtminſter*, cometh the aforeſaid *William Banes* by his Attorney aforeſaid, and the aforeſaid Chief Juſtice, before whom, *&c.* Sent here, his Record before him had in theſe words. Afterwards, the day, and place within conteined before the beloved and faithful of the ſaid Lord the King, *Thomas Flending* Knight Chief Juſtice within written, aſſociating to himſelf, *William Price* according to the form of the Statute, came as well the within named *William Banes*, as the within written *Edward Paine*, and *Mary* his wife by their Attorneys within written, and the Jurours of the Jury, whereof within is made mention likewiſe came; and to ſpeak the truth of the matter within conteined, elected, tryed, and ſworn; ſay upon his Oath, That the within named, *Mary* took upon her in manner and form, as the within written, *William Banes* within againſt them hath declared, and they aſſeſſe the damages of the ſaid *William*, by occaſion of not performing the promiſe, and undertakings within written, beſides the Charges and Coſts by him about his ſute in his behalf expended to 80. pounds, and for his charges and coſts, to 53. ſhillings, and 4. pence. Therefore it is granted, That the aforeſaid *William Banes*, ſhall recover againſt the ſaid *Edward Paine*, and *Mary* his wife, the damages aforeſaid, in form aforeſaid aſſeſſed, as alſo 5. pounds, 6. ſhillings, 8. pence for his charges and coſts aforeſaid, to the ſaid *William*, by the Court of the ſaid Lord the King here with his aſſent, of encreaſe adjudged. Which damages in the

the whole, do amount to 88. pound; and the ſaid *Edward Paine*, and *Mary* his wife in mercy, *&c.*

Aſſiſe.

Trinity Term, A° 6to. of King *James*, *Calvins* Caſe, Co. 7. part. Fol. 1. a.

James by the Grace of God of *England*, *Scotland*, *France*, and *Ireland* King, defender of the Faith, *&c.* To the Sheriffe of *Middleſex* Greetings. *Robert Calvin* Gent. hath complained to us, That *Richard Smith*, and *Nicholas Smith* unjuſtly, and without Judgement, have diſſeized him of his Freehold in *Haggord*, otherwiſe *Haggerſton*, otherwiſe *Aggerſton*, in the Pariſh of St. *Leonard* in *Shorditch*, within 30. years now laſt paſt, and therefore we command you, That if the ſaid *Robert* ſhall ſecure you to proſecute his claim, Then that you cauſe the ſaid Tenement, to be reſeiſed of the Chattels, which within it were taken, and the ſaid Tenement with the Chattels, to be in Peace untill *Thurſday* next after 15. dayes of Saint *Martin* next coming; and in the mean time, cauſe 12. free and legall men of that venew, to ſee the ſaid Tenement, and the names of them to be unbrevicted, and ſummon them by good ſummonors, that they be before us where ever we be in *England*, ready thereof to make Recognition, and put by ſuerties, and pledges, the aforeſaid *Richard*, and *Nicholas*, that then they be there, to hear the Recognition, and have there the ſummons, the names of the Pledges, and this Writ, Witneſs my ſelf at *Weſtminſter*, the 3. day of *November*, in the year of our Reign of *England*, *France*, and *Ireland* the 5th. and of *Scotland*, the one and fortieth.

For 40. s. paid in the Hamper,
KINDESLEY.

THe Aſſiſe cometh to Recognize, If *Richard Smith*, and *Nicholas Smith* unjuſtly and without Judgement, did diſſeiſe *Robert Calvin* Gent. of his Freehold in *Haggard*, otherwiſe *Haggerſton*, otherwiſe *Aggerſton*, in the Pariſh of St. *Leonard* in *Shorditch*, within 30. years now laſt paſt: And whereupon, The ſaid *Robert*, who is within the age of 21. years, by *John Parkinſon*, and *William Parkinſon* his Guardians, which the Court of the ſaid King hereto this have joyntly, and ſeverally, ſpecially are admitted, Complaineth, That they diſſeiſed him of the Meſſuage with the Appurtenances, *&c.* And the ſaid *Richard*, and *Nicholas*, by *William Edwards* their Attorney, come, and ſay, That the ſaid *Robert*, ought not to be Anſwered to his Writ aforeſaid, becauſe they ſay, That the ſaid *Robert* is an Alien born, the 4th. day of *November*, in the Reign of the King that now is, of *England*, *France*, and *Ireland* the third, and of *Scotland* the 34th. At *Edenborough* within his Kingdom of *Scotland* aforeſaid, and within the Alleagiance of the ſaid Lord the King, of the ſaid Kingdom of *Scotland*,

and without the Alleagiance of the ſaid Lord the King, of his Kingdom of *England*; and at the time of the birth of the ſaid *Robert Calvin*, and long before, and continually after the aforeſaid Kingdom of *Scotland*, by the proper Rights, Laws, and Statutes of the ſame Kingdom, and not by the Rights, Laws, and Statutes of this Kingdom of *England*, was Ruled and Governed, and yet is. And this he is ready to aver, and thereupon prayeth Judgement, If the ſaid *Robert*, to his ſaid Writ aforeſaid, ought to be anſwered, *&c.* And the aforeſaid *Robert Calvin* ſaith, That the aforeſaid Plea, by the aforeſaid *Richard*, and *Nicholas* above pleaded, is inſufficient in Law, to him the ſaid *Robert* to Anſwer, and to Barre him to have his Writ aforeſaid; & that the ſaid *Robert*, to the ſaid Plea in manner and form pleaded needeth not, nor by the Law of the Land is holden to Anſwer, and this he is ready to aver, & hereof prayeth Judgement; and that the ſaid *Richard*, and *Nicholas*, to the aforeſaid Writ of the ſaid *Robert* do Anſwer. And the ſaid *Richard*, and *Nicholas*, for as much as they ſufficient in matter in Law to him the ſaid *Robert* to Anſwer, have to his Writ aforeſaid in Barr above have alleged, which they are ready to aver which matter, the aforeſaid *Robert* doth not gainſay, nor to the ſame doth in any ways Anſwer, but the ſaid Averment altogether to admit, refuſeth as at firſt, demandeth Judgement, if the aforeſaid *Robert* to his Writ aforeſaid ought to be admitted, *&c.* And becauſe, the Court of the Lord the King, here are not yet aviſed of giving her Judgement of and upon the premiſes, day thereof is given to the parties aforeſaid, before the Lord the King at *Weſtminſter* untill *Monday* next, after 8. dayes of St. *Hillary*, to hear there Judgement thereof, becauſe the Court of the Lord the King here thereof are not yet, *&c.* And the Aſſiſe aforeſaid, remain to be taken before the ſaid Lord the King, untill the ſame *Monday* there, *&c.* And the Sheriff to diſtrein the Recognitors of the Aſſiſe aforeſaid: And before to make view, *&c.* At which day, before the Lord the King at *Weſtminſter*, cometh as well the aforeſaid *Robert Calvin* by his Guardians aforeſaid, as the aforeſaid *Richard Smith*, and *Nicholas Smith* by their Attorney aforeſaid, and becauſe, the Court of the Lord the King hereof giving their Judgement of, and upon the premiſes is not yet aviſed, day hereof is given to the parties aforeſaid before the Lord the King at *Weſtminſter*, untill *Monday* next, the morrow of the Aſſenſion of our Lord, to hear their Judgement, becauſe the Court of the Lord the King here are not yet, *&c.* And the Aſſiſe aforeſaid, remain further to be taken, until the ſame *Monday* there, *&c.* At which day before the Lord the King at *Weſtminſter*, cometh as well the aforeſaid *Robert Calvin* by his Guardians aforeſaid, as the aforeſaid *Richard Smith*, and *Nicholas Smith* by their Attorney aforeſaid, *&c.* And becauſe the Court, *&c.* Upon which Seen, and by the Court of the Lord the King, here all and ſingular the premiſes fully underſtood, and diligently looked into and examined, and mature deliberation hereof being had, becauſe it ſeemeth to the Court of the Lord the King that now is here, that the Plea aforeſaid, of the ſaid *Richard Smith*, and *Nicholas Smith* above pleaded, is not ſufficient in Law, to the aforeſaid *Robert Calvin*, to have Anſwer to his Writ aforeſaid to Barr, Therefore it is conſidered, by the Court of the Lord the King that now is here, That the aforeſaid *Richard Smith*, and *Nicholas Smith*, to the Writ of the ſaid *Robert* further Anſwer, *&c.*

Michael

Michael 25. and 26. of Queen *Elizabeth* *Rott.* 144. *Assise.*
Downmans Caſe, *C.* 9th. part. Fol. 1. a.

THe Aſſiſe came to Recogniſe if *Edward Vavaſor* Eſquire, *George Vavaſor* Gent. *Richard Coats*, *John Lawſon*, *William Muſgrave*, *Robert Thiſſylwood*, and *Robert VVard* unjuſtly, *&c.* Diſſeiſed *Thomas Dowman* Eſq. and *Elizabeth* his wife, of their Freehold in *Spaldington*, *VVillitoft*, and *Southcate*, within 30. years now laſt paſt, *&c.* And whereupon, the ſaid *Thomas*, and *Elizabeth*, by *Henry Creſſey*, Their Attorney complain, That they diſſeiſed them of 6. Meſſuages, 300. Acres of Land, 100. Acres of Meadow, and 200. Acres of paſture with their appurtenances, *&c.* And the aforeſaid *Edward*, *George*, *Richard*, *John*, *Robert Thyſſylwood*, and *Robert VVard* by *Edward Latimer*, their Attorney come, *&c.* And upon this, for certain cauſes to the Juſtices here ſpecialty moving, day is given before the ſame Juſtices, to the aforeſaid *Edward*, *George*, *Richard*, *John*, *Will.* *Robert*, and *Robert* to plead here untill *Tueſday* next following, *&c.* The ſame day is given to the aforeſaid *Thomas* and *Elizabeth* here, *&c.* At which day come, as well the aforeſaid *Thomas* and *Elizabeth*, as the aforeſaid *Edward*, *George*, *Richard*, *John*, *VVilliam*, *Robert*, and *Robert*, by their Attorneys aforeſaid: And upon this, and certain cauſes to the Juſtices here ſperially moving, The Aſſiſe aforeſaid, is farther adjorned before the ſame Juſtices, unto the Juſtices Inne, in *Chancery* Lane *London*, untill the morrow of Saint *Martin* next comming, at which day, at the aforeſaid Inne of the Juſtices, before the aforeſaid Juſtices, come as well the aforeſaid *Thomas*, and *Elizabeth*, as the aforeſaid *Edward*, *George*, *Richard*, *John*, *VVilliam*, *Robert*, and *Robert* by their Attorneys aforeſaid, and upon this, the aforeſaid *George*, *Richard*, *John*, *VVilliam*, *Robert*, and *Robert* ſay, that they have nothing in the aforeſaid Tenements, with the appurtenances in the view of the Recognitors of the Aſſiſe aforeſaid put, and in the plaint aforeſaid ſpecified, nor had at the day of the Original Writ of Aſſiſe aforeſaid brought, nor ever after, nor any injury, nor diſſeiſin to the aforeſaid *Thomas*, and *Elizabeth* thereof did: and of this they put themſelves upon the Aſſiſe; and the aforeſaid *Thomas*, and *Elizabeth* likewiſe, *&c.* Therefore let the Aſſiſe be taken between them, *&c.* And the aforeſaid *Edward*, defend. and Tenement of the Freehold of the Tenements aforeſaid, with the appurtenances in view of the Recognitors of the Aſſiſe aforeſaid put, and in the plaint aboveſaid ſpecified; he ſaith, That the Aſſiſe thereof between him the ſaid *Edward*, and the aforeſaid *Thomas*, and *Elizabeth*, ought not to be, becauſe he ſaith, That one *Peter Vavaſor* Eſquire, was ſeiſed of the aforeſaid Tenements with the appurtenances, in the view of the Recognitors of the Aſſiſe aforeſaid put, and in the plaint aforeſaid ſpecified, amongſt other things in his demeſn as of Fee; and he hereof ſo being ſeiſed, One *Andrew VVindſor* Eſquire, *VVilliam Vavaſor*, *Peter Vavaſor* the younger, and *John Laundree* Gent. at another time, That is to ſay, The ſecond day of *January*, in the year of the Reign of the ſaid Lady the Queen that now is, the 15th. out of the Court of *Chancery* of the ſaid Lady the Queen, the ſaid Court of *Chancery* then being at *Weſtminſter* in the County of

Middleſex, ſued forth a certain Writ of the ſaid Lady the Queen of Entry upon Diſſeiſin in the Poſt, againſt the aforeſaid *Peter Vavaſor* Eſquire, of the aforeſaid Tenements with the appurtenances, in the view of the Recognitors of the Aſſiſe aforeſaid put, and in the plaint aforeſaid ſpecified, with the appurtenances, amongſt other, the ſame *Peter Vavaſor* Eſq. then being Tenant of the Freehold, of the Tenements aforeſaid with the appurtenances, to the then Sheriffe of the County of *York* directed, (and ſo plead a Common Recovery) which Recovery in form aforeſaid had, was had, and was to the uſe of the aforeſaid *Peter Vavaſor*, for the Term of his natural life, without impeachment of any waſt, and after his deceaſe, then to the uſe of the Eldeſt Son, lawfully begotten of the ſaid *Peter Vavaſor* Eſq. and the Heirs Males of the body of the ſame Eldeſt Son lawfully begotten. And for default of ſuch iſſue male of the body of the ſame Eldeſt Son, then to the uſe of the ſecond Son, of the body of the aforeſaid *Peter Vavaſor* Eſquire lawfully begotten, and the heirs males of the body of the ſame ſecond Son lawfully begotten, (and ſo unto the 9th. Son,) and for default of ſuch iſſue male of the body of the ſaid 9th. Son, Then to the uſe of the ſaid *Edward Vavaſor* now deceaſed Brother of the ſaid *Peter Vavaſor* Eſquire, for the Term of his natural life, without impeachment of any waſt; & after his deceaſe, then to the uſe of the Eldeſt Son lawfully begotten: & for default of ſuch iſſue male of the body of ſuch eldeſt ſon, then to the uſe of the ſecond Son, of the body of the ſaid *Edward* lawfully begotten, & the heirs males of the body of the aforeſaid ſecond Son lawfully begotten. (And ſo to the 9th. Son of the ſaid *Edward*) and for want of ſuch iſſue male of the body of the ſaid 9th. Son, Then to the uſe of *George Vavaſor*, another Brother of the aforeſaid *Peter Vavaſor* Eſquire, for the Term of his natural life, without impeachment of any waſt, and after his deceaſe, then to the uſe of the Eldeſt Son lawfully begotten of the body of the ſaid *George*, and the Heirs males of the body of the ſame Eldeſt Son lawfully begotten; and for default of ſuch iſſue male of the body of ſuch Eldeſt Son, then to the uſe of the ſecond Son, of the body of the aforeſaid *George* lawfully begotten, and the heirs males of the body of the ſame ſecond Son lawfully begotten, (and ſo to the 9th. Son of the ſaid *George*,) and for default of ſuch iſſue male of the body of the ſaid 9th. Son, Then to the uſe of one *Ra. Vavaſor*, another Brother of the ſaid *Peter Vavaſor*, for the Term of his natural life, without impeachment of any waſt, and after his deceaſe, Then to the uſe of the Eldeſt Son lawfully begotten of the body of the ſaid *Ralph*, and the heirs males of the body of the ſame Eldeſt Son lawfully begotten, and for default of ſuch iſſue male of the body of the ſaid Eldeſt Son, Then to the uſe of the ſecond Son, of the body of the aforeſaid *Ralph* lawfully begotten, and the heirs males of the body of the ſame ſecond Son lawfully begotten, (and ſo to the 9th. Son of the aforeſaid *Ralph*) and for default of ſuch iſſue male, of the body of the ſaid 9th. Son, Then to the uſe of one *Marmaduke Vavaſor*, another of the Brothers of the aforeſaid *Peter Vavaſor*, for the Term of his natural life, without impeachment of any waſt, and after his deceaſe, Then to the uſe of the Eldeſt Son, lawfully begotten of the body of the aforeſaid *Marmaduke*, and the heirs males of the body of ſuch Eldeſt Son lawfully begotten; and for default of ſuch iſſue male, of the body of the ſame Eldeſt Son, Then to the uſe of the ſecond Son of the

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body of the aforeſaid *Marmaduke* lawfully begotten, and the heirs males of the body of the ſame ſecond Son lawfully begotten, (And ſo to the 9th. Son of the ſaid *Marmaduke*;) And for default of ſuch iſſue male of the body of the ſame 9th. Son, Then to the uſe of one *Robert Vavaſor*, another Brother of the aforeſaid *Peter Vavaſor*, for the Term of his natural life, without impeachment of any waſt, and after his deceaſe, then to the uſe of the Eldeſt Son lawfully begotten of the body of the ſaid *Robert Vavaſor*, and the heirs males of the body of the ſame Eldeſt Son lawfully begotten, and for default of ſuch iſſue male, of the body of the ſame Eldeſt Son, Then to the uſe of the ſecond Son, of the body of the aforeſaid *Robert Vavaſor*; and the heirs males of the body of the ſame ſecond Son lawfully begotten, (and ſo to the 9th. Son of the ſaid *Robert*;) and for default of ſuch iſſue male of the 9th. Son, Then to the uſe of *Thomas Vavaſor*, another Brother of the ſaid *Peter Vavaſor* Eſquire, for the Term of his natural life, without impeachment of any waſt, and after his deceaſe, Then to the uſe of the Eleſt Son of the body of the aforeſaid *Thomas Vavaſor*, lawfully begotten, and the heirs males of the body of the ſaid Eldeſt Son, lawfully begotten; and for default of ſuch iſſue male, of the body of the ſame Eldeſt Son, Then to the uſe of the ſecond Son, of the aforeſaid *Thomas Vavaſor* lawfully begotten; and the heirs males of the body of the ſame ſecond Son lawfully begotten; (And ſo to the 9th. Son of the aforeſaid *Thomas*;) And for default of ſuch iſſue male, of the body of ſuch 9th. Son, Then to the uſe of *Richard Vavaſor*, another Brother of the ſaid *Peter Vavaſor*, for the Term of his natural life, without impeachment of any waſt, and after his deceaſe, Then to the uſe of the Eldeſt Son, of the body of the ſaid *Richard Vavaſor* lawfully begotten, and the heirs males of the body of the ſame Eldeſt Son lawfully begotten; and for default of ſuch iſſue male, of the body of the ſame Eldeſt Son lawfully begotten, Then to the uſe of the ſecond Son, of the body of the ſaid *Richard* lawfully begotten, (and ſo to the 9th. Son of the aforeſaid *Richard*;) and for default of ſuch iſſue male of the body of the ſaid 9th. Son, Then to the uſe of the heirs males, of the body of *Peter Vavaſor* of *Spaldington* Knight lawfully begotten; and for default of ſuch iſſue male, Then to the uſe of the right heirs of the ſaid *Richard Vavaſor* for ever. By vertue of which Recovery, and ſeiſin in manner and form aforeſaid had, and by force of a certain Act of Parliament of the Lord *Henry*, late King of *England* the 8th. the 4th. day of *February*, in the year of his Reign the 27th. of Transferring of uſes into poſſeſſion, at *Weſtminſter*, in the County of *Middleſex* holden, made, The aforeſaid *Peter Vavaſor* Eſquire, was ſeiſed of the aforeſaid Tenements, with the appurtenances, in the view of the Recognitors of the Aſſiſe aforeſaid put in his demeſn as of Freehold for the Term of his life, without impeachment of any waſt, the remainder thereof after his deceaſe farther as aboveſaid expectant; and the ſaid *Peter* ſo thereof being ſeiſed, the ſaid *Peter* at *Spaldington* aforeſaid, dyed without any iſſue male of his body lawfully begotten; after whoſe deceaſe, the ſaid *Edward* into the aforeſaid Tenements, with their appurtenances, in the view of the Recognitors of the Aſſiſe aforeſaid put, and in complaint aforeſaid ſpecified (amongſt other) as in his Remainder thereof, entred, and was, and yet is ſeiſed, in his demeſn, as of Freehold for the Term of his life, without impeachment of any waſt. And the aforeſaid *Thomas*

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Dowman and *Elizabeth* claiming, *&c.* And gave colour to the party.) And the aforeſaid *Thomas Dowman*, and *Elizabeth*, as to the aforeſaid Plea of the ſaid *Edward*, above in Barr of the Aſſiſe aforeſaid pleaded, Say, That they for any thing in the ſaid Plea before alleged, from the Aſſiſe aforeſaid, of the Tenements aforeſaid with the appurtenances, to have, ought not to be Barred, becauſe they ſay, That well and true it is, That the aforeſaid *Peter Vavaſor* Eſquire, was ſeiſed of the Tenements aforeſaid with the appurtenances, in his demeſn as of Fee; and he the ſaid *Peter* being ſo thereof ſeiſed, The aforeſaid Recovery of the Tenements aforeſaid with the appurtenances, was had by the aforeſaid *Andrew Windſor*, *William Vavaſor*, *Peter Vavaſor* the younger, and *John Laundree* againſt the aforeſaid, *Peter Vavaſor* Eſquire, in manner and form, as the ſaid *Edward* above hath alleged; But the ſaid *Thomas Dowman*, and *Elizabeth* farther ſay, That the Recovery aforeſaid, in form aforeſaid by the aforeſaid *Andrew*, *William Vavaſor*, *Peter Vavaſor* the younger, and *John Laundree*, againſt the aforeſaid *Peter Vavaſor* Eſquire of the Tenements aforeſaid, with the appurtenances in form aforeſaid had, and the ſeiſin of the Tenements aforeſaid, with the appurtenances thereupon in form aforeſaid had, were to the only uſe and behoof of the aforeſaid *Perer Vavaſor* Eſquire, and his heirs for ever. By colour whereof, and by force of the aforeſaid Act of transferring of Acts in poſſeſſion, *&c.* The aforeſaid *Peter Vavaſor* Eſq. was ſeiſed of the Tenements aforeſaid, with the appurtenances in his demeſn as of Fee, and ſo thereof being ſeiſed, The ſaid *Peter Vavaſor*, Eſq. at *Spaldington* aforeſaid, of ſuch his eſtate dyed hereof ſeiſed, without iſſue of his body lawfully begotten. After whoſe death, the ſaid Tenements, with the appurtenances diſcended to the ſaid *Elizabeth* then being the wife of the ſaid *Thomas Dowman*, as Siſter and heir of the aforeſaid *Peter Vavaſor* Eſq. By which, the ſaid *Thomas Dowman*, and *Elizabeth* in the ſaid Tenements with the appurtenances entred, and were thereof ſeiſed in their demeſn as of Fee, in the Right of the ſaid *Elizabeth*, untill the aforeſaid *Edward Vavaſor*, and the aforeſaid *George*, *Richard*, *John Lowſon*, *William Muſgrave*, *Robert Thiſylwood*, and *Robert Ward*, them the ſaid *Thomas Dowman*, and *Elizabeth* thereof unjuſtly, and without Judgement did diſſeiſe, as they above againſt them complain'd, without that that the aforeſaid Recovery of the Tenements aforeſaid, with the appurtenances by the aforeſaid *Andrew Windſor*, *William Vavaſor*, *Peter Vavaſor* the younger, and *John Laundree* againſt the aforeſaid *Peter Vavaſor* Eſquire in form aforeſaid had, was to the uſes in the Barr of the ſaid *Edward* above ſpecified, as, *&c.* And thereupon the parties are at iſſue.) And the Jurours ſay upon their Oath, That the aforeſaid *Peter Vavaſor* Eſquire, was ſeiſed of the Tenements aforeſaid in their view put, and in the plaint aforeſaid ſpecified with the appurtenances in his demeſn as of Fee, and he the ſaid *Peter* being thereof ſo ſeiſed, the aforeſaid Recovery was had, by the aforeſaid *Andrew Windſor*, *William Vavaſor*, *Peter Vavaſor* the younger, and *John Laundree* in form aforeſaid, as the aforeſaid *Edward* above in pleading hath alleged; and further the Recognitors of the Aſſiſe aforeſaid, ſay upon their Oath. That a certain Indenture was made between the aforeſaid *Peter Vavaſor* Eſq. of the one party, and the aforeſaid *Andrew Windſor*, *William Vavaſor*, *Peter Vavaſor* the younger, and *John Laundree* of theother party, bearing date the firſt day of *February* in the 15th. year aboveſaid, The Tenor of which Indenture follows in theſe words. This

THis Indenture made the first day of February in the 15th year of the Raign of our Soveraign Lady *Elizab.* by the grace of God Queen of *England, France,* & *Ireland,* Defender of the Faith, &c. Between *Peter Vavasor* of the Midle Temple in *London Esq.* of the one party, And *Andrew Windsor* of the same house, *Esquire, William Vavsor* of *Linton* in the County of *York Gent. Peter Vavasor* the younger of *Spallington* in the County of *York Gent.* and *John Launder* of *Staple Inn* near *London Gent.* on the other party, witnesseth that it is Covenant ed, concluded, condescended, declared and fully agreed, betwixt the said parties, and either of the said parties for him and his Heirs, and their Executors and Administrators, do Covenant, condescend, declare and agree by these presents to and with the other, his and their Heirs, Executors and Administrators, in manner and form following. That is to say, Whereas the said *Andrew, Peter, William* and *John,* have this present Term of Saint *Hillary* recovered to them and to their Heirs for ever, by writ of Entry of disseisin in the Post had, and prosecuted against the said *Peter Vavasor Esquire* before Sir *James Dyer Kt. Richard Harper, Roger Manwood,* and *Robert Mounson* Justices of our said Lady the Queens Majesty, of her Court of Common Pleas at Westminster according to the usuall Order and form of Common recoveries heretofore used, The mannor of *Spaldington,* with the appurtenances, and diverse other Lands, Tenements, and Hereditaments situating and being in the Towns, Parishes, Hamlets, and Fields of *Spaldington, Willytoft, Gripthorpe, Eubarch, Erighton, Southcave* and *Replingham,* in the said County of *York* at the time of the said recovery had, being the Inheritance of the said *Peter Vavasor Esquire,* other than such Messuages, Lands Tenements, and Hereditaments, as the said *Peter Vavasor Esquire* lately purchased of one *Henry Johnson Esquire,* by the names of the Mannor of *Spaldington,* 40 Messuages, 30 Tofts, 30 Gardens, 3 Dovehouses, 1 Windmill, 2000 Acres Land, 500 Acers of Meadow, 2000 Acres of Pasture, 500 Acres of Wood, 2000 Acres of Moor, with the appurtenances in *Spaldington, Eubarch, Brighton, Willitoft, Gripthorp, Southcave* and *Replingham*: That the intent and true meanning of all the said parties now is and at the time of the said Recoverie so had and suffered was, That the said *Andrew, William, Peter the younger,* and *John* and their Heirs, and his Heirs, or every of them immediately from and after the said Recoverie so had and executed, should and shall stand and be seised of the said Mannor and of all other the Lands, Tenements, & Hereditaments in the said Recovery meant and intended to be comprised, that is to say, of and in the said Mannor of *Spaldington* with the appurtenances, and also of and in the Messuages, Tofts, Gardens, Lands, Tenements, and Hereditaments, with the appurtenances in *Spaldington, Willytoft, Gripthorp, Eubarch, Brighton, Southcave,* and *Replingham,* at the time of the said Recoverie had, being the Inheritance of the said *Peter Vavasor,* the Lands, Tenements, Hereditaments, lately purchased by the said *Peteer Vavasor* of *Henry Johnson* only excepted as is aforesaid, To the only uses, intents, hereafter by these presents set forth and declared, and to none other uses intents or purposes, That is to say, To the use of the said *Peter Vavasor Esquire,* for term of his natural life, without impeachment of any manner of wast, & after the decease of the said *Peter Vavasar Esquire,* then to the use and behoof of the eldest Son lawfully begotten of the said *Peter*

ter Vavaſor of the Heirs males of the Body of the ſaid Eldeſt Son Lawfully begotten: And for default of ſuch Iſſue male of the bodie of ſuch eldeſt Son, to the uſe of the ſecond Son of the body of the ſaid *Peter Vavaſor* Lawfully begotten, and the Heirs males of the body of the ſaid ſecond Son Lawfully begotten, &c. (And ſo to the 9th Son of the ſaid *Peter*) and for default of ſuch Iſſue male of the body of ſuch 9th Son, To the uſe of *Edward Vavaſor* Brother of the ſaid *Peter Vavaſor Eſquire*, for the term of his natural life, without impeachment of any waſt, and after his deceaſe, to the uſe of the eldeſt Son Lawfully begotten of the Body of the ſaid *Edward*, and of the Heirs males of the Body of the ſaid Eldeſt Son Lawfully begotten: And for default of ſuch iſſue male of ſuch Eldeſt Son, To the uſe of the ſecond Son of the body of the ſaid ſecond Son Lawfully begotten, (&c. And ſo to the 9th Son of the ſaid *Edward*) and for default of ſuch iſſue male of the body of ſuch 9th Son, to the uſe of *George Vavaſor* Brother of the ſaid *Peter Vavaſor Eſquire*, for term of his natural life, without impeachment of waſt, and after his deceaſe, to the uſe of the eldeſt Son Lawfully begotten of the body of the ſaid *George Vavaſor*, and of the Heirs males of the body of the ſaid Eldeſt Son Lawfully begotten, and for default of ſuch iſſue male of the body of the ſaid eldeſt Son, To the uſe of the ſecond Son of the body of the ſaid *George Vavaſor* Lawfully begotten, and of the Heirs males of the body of ſecond Son Lawfully begotten, &c. And ſo to the 9th Son of the ſaid *George*) And for default of ſuch iſſue male of the body of ſuch 9th Son to the uſe of *Ralph Vavaſor* Brother of the ſaid *Peter Vavaſor Eſquire* for term of his natural life, without impeachmeut of waſt, and after his deceaſe, to the uſe of the Eldeſt Son Lawfully begotten of the body of the ſaid *Ralph Vavaſor* and the Heirs males of the body of the ſaid Eldeſt Son Lawfully begotten, and for default of ſuch iſſue male of the body of ſuch Eldeſt Son To the uſe of the ſecond Son of the body of the ſaid *Ralph Vavaſor* Lawfully begotten, and the Heirs males of the body of the ſaid ſecond Son Lawfully begotten, &c. (And ſo to the ninh Son of the ſaid *Ralph*) and for default of ſuch iſſue male of the Body of ſuch ninth Son, To the uſe of *Marmaduke Vavaſor* Brother of the ſaid *Peter Vavaſor Eſquire* for the term of his natural life, without impeachment of waſte, and after his deceaſe to the uſe of the Eldeſt Son Lawfully begotten of the Body of the ſaid *Marmaduke Vavaſor* and of the Heirs males of the body of the ſaid Eldeſt Son Lawfully begotten, &c. (And ſo to the ninth Son of the ſaid *Marmaduke*) And for default of ſuch iſſue male of the Body of ſuch ninth Son, To the uſe of *Robert Vavaſor* Brother of the ſaid *Peter Vavaſor Eſquire*, for the term of his natural life, without impeachment of any waſte, and after his deceaſe, To the uſe of the Eldeſt Son Lawfully begotten of the Body of the ſaid *Robert Vavaſor*, and of the heirs males of the Body of the ſaid Eldeſt ſon Lawfully begotten (and ſo to the ninth Son of the ſaid *Robert*) and for default of ſuch iſſue male of the Body of ſuch ninth Son, To the uſe of *Thomas Vavaſor* Brother of the ſaid *Peter Vavaſor Eſquire*, for term of his natural life, without impeachment of any waſte, and after his deceaſe to the uſe of the Eldeſt Son Lawfully begotten of the Body of the ſaid *Thomas Vavaſor*, and of the Heirs males of the Body of the ſaid Eldeſt Son Lawfully begotten, &c. (and ſo to the ninth Son of the ſaid *Thomas*,) and for default of ſuch iſſue male of the Body of ſuch

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ninth Son, To the uſe of *Rich. Vavaſor* Brother of the ſaid *Peter Vavaſor Eſq.* for term of his natural life without impeachment of any waſt, & after his deceaſe, to the uſe of the Eldeſt ſon Lawfully begotten of the body of the the ſaid *Richard Vavaſor* and of the Heirs males of the Body of the ſaid Eldeſt Son Lawfully begotten, &c. (and ſo to the ninth Son of the ſaid *Richard*) and for default of ſuch iſſue male of ſuch ninth Son, to the uſe of the Heirs males of the Body of Sir *Peter Vavaſor* of *Spaldington Knight*, Lawfully begotten: And for default of ſuch iſſue male, To the uſe of the right Heirs of the ſaid *Richard Vavaſor* for ever, &c. Provided, &c. And farther the Recognitors aforeſaid ſay upon their Oath, aforeſaid, That the aforeſaid Tenemēts, with the appurtenances, in their view put, and in the plaint aforeſaid ſpecified, and in the recovery aforeſaid comprized, are parcel of the Mannors, Lands and Tenements in the Indenture aforeſaid ſpecified, and not other, nor diverſe: But whether the Indenture aforeſaid after the recovery aforeſaid by the aforeſaid *Peter Vavaſor Eſquire*, in form aforeſaid made and had, bearing date the aforeſaid firſt day of February, and firſt delivered the aforeſaid 15th day of February, in the 15th. year aboveſaid, after the recovery aforeſaid, being to the uſes in the ſame ſpecified, be good and ſufficient in Law, to have and declare the uſes of the aforeſaid recovery of the aforeſaid Tenements in the view of the Recogniters put and in the plaint aforeſaid ſpecified with the appurtenances, or not, The ſaid Recognitors are altogether ignorant, and thereof pray the advice of the Juſtices aforeſaid, and of the Court here, &c. And if to the ſame Juſtices and to the Court here, It ſhall ſeem, That the Indenture aforeſaid, by the aforeſaid *Peter Vavaſor Eſquire*, after the aforeſaid Recovery in form aforeſaid had and made, bearing date the aforeſaid firſt day of February, and firſt delivered the 15th day aboveſaid after the recovery aforeſaid To the uſes in the ſaid Indenture ſpecified, be good and ſufficient in Law, to read and declare the uſes of the recovery aforeſaid of the tenements aforeſaid in the view of the Recognitors aforeſaid put with the appurtenances and in the plaint aforeſaid ſpecified, Then the ſaid Recognitors ſay upon their Oath aforeſaid, that the ſaid Recovery of the Tenements aforeſaid in view of the Recognitors, aforeſaid put with the appurtenances, and in the plaint aforeſaid ſpecified, was to the uſes in the ſaid Barr of the ſaid *Edward* ſpecified in manner and form as the ſaid *Edward* in his Bar aforeſaid above alleged: And that the aforeſaid *George*, *Richard Coats*, *John*, *William*, *Robert Thiſſilwood*, and *Robert Ward* did not diſſeiſe the aforeſaid *Thomas Dowman* and *Elizabeth* of the Tenements aforeſaid in their view put and in the plaint aforeſaid ſpecified with the appurtenances, as the ſaid *George*, *Richard Coates*, *John*, *William*, *Robert* and *Robart*, above have alleged; And if it ſhall ſeem to the ſame Juſtices, and to the Court here, that the Indenture aforeſaid by the aforeſaid *Peter Vavaſor Eſquire*, after the Recovery aforeſaid, in form aforeſaid made and had, bearing date the aforeſaid firſt day of February, in the 15th. yeare aforeſaid after the aforeſaid Recovery is inſufficient in Law, to lead and declare the uſes of the Recovery aforeſaid of the Tenements aforeſaid in view of the Recognitors put and in the plaint aforeſaid ſpecified, Then the ſaid Recognitors ſay, upon their Oath aforeſaid that the ſaid recovery of the Te-

nements aforeſaid was not to the uſes in the ſaid Bar of the ſaid *Edward* ſpecified in manner and form as the aforeſaid *Thomas Dowman* and *Elizabeth*, above have alleged, and that the aforeſaid *Thomas Dowman* and *Elizabeth*, were ſeiſed of the Tenements aforeſaid, in the view of the ſame Recognitors put, and in the plaint aforeſaid ſpecified, with the appurtenances in their demeſn as of Fee, in the right of the ſaid *Elizabeth*, until the aforeſaid *Edward Vavaſor*, *George Vavaſor*, *Richard Coates*, *John Lawſon*, *William Muſgrave*, *Robert Thiſſilwood*, *and Robert ward*, them the ſaid *Thomas* and *Elizabeth* thereof unjuſtly and without Judgment, but not with force and Armes diſſeiſed them, and then they aſſeſſe the Damages of the ſaid *Thomas Dowman* and *Elizabeth*, by occaſion of the diſſeiſin aforeſaid, beſides their coſts and charges by them about their ſute in this behalf expended to 20 ſhillings, and for their coſts and charges to 10 ſhillings. And becauſe the Juſtices here will aviſe themſelves of and upon the premiſſes before that they give their Judgement thereof, day is given to the parties aforeſaid before the Juſtices here aforeſaid at the Inn of the Juſtices in *Chancery Lane London* until *Satturday* next after a moneth of St. *Michael* next following, &c. to hear their Judgment thereof becauſe the ſaid Juſtices here are not yet, *&c.* and diverſe other meetings, until *Saturday*, nex after the morrow of *All Souls*, &c. Until *Saturday* next after the morrow of *Martin*, &c. And until *Wedneſday* next after 8. dayes of the *Holy Trinity*, &c. At which day, before the aforeſaid *Robert Shute*, and *John Clench*, then Juſtices, *&c.* At the aforeſaid Inn of the Juſtices, As well the aforeſaid *Thomas Dowman* and *Elizabeth*, as the aforeſaid *Edward*, *George*, *Richard Coats*, *John*, *William*, *Robert*, and *Robert* by their Attornies come. And becauſe the Juſtices aforeſaid here, *&c* Further day is given to the parties aforeſaid, before the Juſtices of the ſaid Lady the Queen, to take Aſſizes in the aforeſaid County of *York*, aſſigned at the aforeſaid Caſtle of *York*, until *Monday* the 6th. day of *Auguſt*, next comming, *&c.* Before which day, the ſaid Lady the Queen that now is, By other her Letters Patents, whoſe date is at *Weſtminſter* in the year of her Reign, the 24th. the Tenor of which followeth in theſe words, *&c. Elizabeth*, &c. To our Beloved and Faithful *John Clench*, Baron, and *Francis Gawdy*, one of her Serjants at Law, Greeting, Know ye, *&c.* (And then follow the Letters Patents) *&c.* And becauſe the ſame Juſtices here will farther aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day, *&c.* Before them the ſaid *John Clench*, and *Francis Gawdy*, then Juſtices, *&c.* At the aforeſaid Inn until *Saturday* next after the morrow of *All Souls*, &c. At which day, the aforeſaid *John Clench*, and *Francis Gawdy*, then Juſtices of the Lady the Queen to Aſſizes in the aforeſaid County of *York* at the Inn aforeſaid came not, but withdrew themſelves from the ſaid Inn, becauſe before the ſaid day for the infection of the Air, and of the Plague of Men in the City of *London*, and the Suburbs thereof, as alſo in the City of *Weſtminſter*, being the Term of St. *Michael*, which then at *Weſtminſter* in the County of *Midd.* was holden at *Weſtminſter* aforeſaid, unto the Caſtle of the Lady the Queen, *&c.* is adjorned, *&c.* and their holden, *&c.* Afterwards the ſaid Lady the Queen, By other Letters Patents, Conſtituted *John Clench*, and *Francis Rodes* one of her Serjants at Law, Juſtices to Aſſizes in the aforeſaid County of *York*, &c. And the ſaid Juſtices, by virtue of the

ſaid

ſaid Lett. Patents, Afterward, that is to ſay, *Monday* in the 4th. week of *Lent*, in the yeer of the Reign of the ſaid Lady the Queen that now is, the 25th. At the Caſtle of *York* came, before whom then and there come, the aforeſaid *Thomas Dowman* and *Elizabeth*, by their Attorney aforeſaid, and pray a Writ of Reattachment, to the aforeſaid *Edward*, *George*, *Richard Coats*, &c. that they be before the Juſtices of the Lady the Queen at the next Aſſizes, in her County of *York*, to be taken aſſigned, to be holdē at the aforeſ. Caſtle of *York*, to hear the Record, and their Judgement of the Aſſize aforeſaid, whe was in the Court of the ſaid Lady the Queen that now is, at the Caſtle aforeſaid, ſo that that Aſſize then be here in the State, as it was in the Court of the ſaid Lady the Queen that now is, before the aforeſaid *John Clench*, and *Francis Gawdy*, Juſtices to Aſſizes, *&c.* At the aforeſaid Caſtle of *York*, the aforeſaid, *Monday* the 6th. day of *Auguſt*, in the year of the ſaid Lady the Queen that now is, the 24th. in which day, the Aſſize aforeſaid was adjorned, before the ſaid *John Clench*, and *Francis Gawdy*, then Juſtices, *&c.* from the aforeſaid Caſtle of *York*, unto the aforeſaid Inn of the Juſtices in *Chancery Lane London*, untill the aforeſaid *Saturday* next, after the aforeſaid morrow of *All Souls*, then next following, *&c.* At which next Aſſizes, holden at the Caſtle of *York* aforeſaid, *Monday* the 29th. day of *July*, in the yeer of the Reign of the ſaid Lady the Queen that now is, the 25th. before the aforeſaid *John Clench*, and *Francis Gawdy*, then Juſtices to Aſſizes, *&c.* came as well the aforeſaid *Thomas Dowman* and *Elizabeth*, by their Attorny aforeſaid, as the aforeſaid *Edward*, *George*, *Richard Coats*, *Iohn*, *William*, *Robert*, and *Robert*, by the aforeſaid *Thomas Hill* their Attorny; And the Sheriff, that is to ſay, *Thomas Wentworth*, *Eſq.* now ſent, That the aforeſaid *Edward Vavaſor*, *George*, *Richard Coats*, *Iohn*, *William*, *Robert*, and *Robert*, *&c.* And upon this, day is given to them before the Juſtices of the ſaid Lady the Queen that now is of the Bench, in the Bench at *Weſtminſter*, in the morrow of *All Souls* next comming, to hear and receive what to the ſaid Juſtices ſhould ſeem in this behalf, becauſe the ſaid *Iohn Clench*, and *Francis Rodes*, Juſtices to Affizes, *&c.* thereof not yet, *&c.* And the Aſſize aforeſaid, with all touching the ſame, to the ſaid Juſtices of the Bench is ſent, *&c.* (The Warrant of Attorny followes, and the Writ of Reſummons in the Roll; and the Tenor of the Writ of Reattachment and Retorn of the ſaid Writ) *Elizabeth*, &c. To the Sheriffs of *York*, greeting, Reattach, *Edward Vavaſor*, *Eſq.* *George*, *Richard Coats*, *Iohn*, *William*, *Robert*, and *Robert*, or their Bailiffs, if they ſhall not be found before our Juſtices to Aſſizes, in your County to be taken aſſigned at the Caſtle of *York*, in your County, upon *Monday* the 22d. day of *July*, then next to come, to hear the Record, and Judgement of the Aſſize of *Novel* diſſeiſin which was in our Court, at the Caſtle aforeſaid, which Aſſize, *Thomas Dowman Eſq.* and *Elizabeth* his Wife, there arraigned againſt them of 6. Meſſuages, 300. Acres of Land, 100. Acres of Meadow, and 200. Acres of Paſture, with the Appurtenances in *Spaldington*, *Willytoft*, and *Southcone*, So as they that Aſſize then be there in the ſame ſtate as it was in our Court, before *Iohn Clench*, th ird Baron of our *Exchequer*, and *Francis Gawdy*, one of our Serjants at Law, our Juſtices to Aſſizes in your County to be taken aſſigned, At the aforeſaid Caſtle of *York*, *Monday* the 6th. day of *Auguſt* laſt paſt, which day the aſſize aforeſaid for certain cauſes, was from thence adjorned before the ſame our Juſtices unto the Inn

of the Juſtices in *Chancery Lane London*, Untill *Saturday* next after the morrow of *All Souls*, then next following, And have here the names of the Pledges, and this Writ, *John Clench*, at the Caſtle of *York*, the 11th. day of *March*, in the yeer of our Reign, the 25th. *Frankland Creſſy*. The within named *Edward Vavaſor*, *George*, *Richard Coats*, *John*, *William*, *Robert*, and *Robert*, hath not any thing, nor any of them have any thing in my Baliwick, by which they can be attached, or any of them can be attached, nor have they, nor any of them hath a Bailiff, or Bailiffs, nor are they, or any of them to be found in the ſame, *Thomas Wentworth*, *Eſq.* Sheriff: And now here, that is to ſay, at *Weſtminſter* aforeſaid at this day, that is to ſay, at the aforeſaid morrow of *All Souls*, came as well the aforeſaid *Thomas Dowman*, and *Elizabeth*, by the aforeſaid *Henry Creſſy* their Attorny, as the aforeſaid *Edward Vavaſor*, *George*, *Richard Coats*, *John*, *William*, *Robert*, and *Robert*, by *Tho. Algar* their Attony: And becauſe the Juſtices of the Bench here will aviſe themſelves of and upon the premſes, before they give their Judgement thereof, day is given to the parties here until 8. dayes of St. *Hillary* (and ſo it is continued in 8. dayes of St. *Hillary* the yeer following) At which day, here come as well the aforeſaid *Thomas Dowman* and *Elizabeth*, as the aforeſaid *Edward Vavaſor*, *George*, *Richard Coats*, *John*, *William*, *Robert*, and *Robert*, by their Attornies aforeſaid, and upon this, The premiſes being ſeen, and by the Juſtices here fully underſtood, It ſeemeth to the ſaid Juſtices here, That the aforeſaid Indenture by the aforeſaid *Peter Vavaſor Eſq.* after the aforeſaid Recovery, in form aforeſaid made and had, was good and ſufficient in the Law to lead the uſes of the Recovery aforeſaid, of the Tenements aforeſaid, with the Appurtenunces, ſo that the ſame Recovery of the Tenements aforeſaid, with the Appurtenances in the view of the Recognitors of the Aſſize aforeſaid put, and in the Plaint aforeſaid, ſpecified by the aforeſaid *Andrew Windſor*, *William Vavaſor*, *Peter Vavaſor* the younger, and *John Laundere* againſt the aforeſaid *Peter Vavaſor Eſq.* in form aforeſaid had, was to thoſe uſes in the aforeſaid barr of the aforeſaid *Edward* above ſpecified, in manner and form, as the ſaid *Edward*, in his bar aforeſaid above alleged, Therefore it is conſidered, That the aforeſaid *Thomas Dowman* and *Elizabeth*, take nothing by their Writ aforeſaid, but in mercy for their falſe clamour, *&c.* And the aforeſaid *Edward Vavaſor*, *George*, *Richard Coats*, *John*, *William*, *Robert*, and *Robert*, go thereof without day, *&c.*

Audita Querela.

Eaſter Term, Anno 8o. *of* King JAMES, *Doctor* Druries Caſe, C.8. part Fol. 139. *a.*

AT another time as appeareth, in the Term of the *Holy Trinity*, in the yeer of the Reign of the Lord the King that now is of *England*, *France*, and *Ireland*, the 7th. and of *Scotland*, the 42d. *Rott.* 3642. It is contained thus: *Somerſ. ſſ.* It was commanded to the Sheriff. Whereas, of the

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grievous Complaint of *Owen Bray* of *Cobham*, in the County aforesaid *Gent.* to the Lord the King grievously complaining, It was shewed, That whereas *John Drury*, Doctor of Law, in the Court of the Lord the King of the Bench here, That is to say, In the Term of St. *Michael*, in the yeer of the Reign of the said Lord the King of *England* the 5th. before the Justices of the said Lord the King, of the Bench aforesaid here, that is to say, at *Westminster*, by Judgement of the said Court had recovered against the said *Owen*, as well a certain debt of 200. pounds, as 33. shillings, 4. pence, which to the said *John* in the Court aforesaid, of the said Lord the King here were adjudged for his damages which he had by occasion of the detaining of the said debt, whereof he is convicted, And whereas also the said *Owen*, for that that he did not come unto the said Court of the Lord the King, here to satisfy the aforesaid *John* of the debt and damages afore said, was put in exigent in the County of the Lord the King of *Sussex*, to Outlawry, and for that occasion afterwards, that is to say, the 19th. day of *May*, in the yeer of the Reign of the Lord the King that now is, was Outlawed; And notwithstanding the said *Owen*, in execution for the Debt and Damages aforesaid, by virtue of a certain Writ of the said Lord the King of *Capias utlagatum* thereof to the late Sheriff of the aforesaid County of *Surry*, by *Herbert Morley Esq.* then Sheriff of the aforesaid County of *Surry*, at the Sute of the said *John* was taken, and imprisoned: And after he was so taken and imprisoned, was by the said Sheriff out of the same Prison at large, where he would freely and voluntarily suffered to go, and from the execution aforesaid was delivered, as the said *Owen* by ways and means convenient, was ready to shew; Yet the aforesaid *John* sueth forth Execution of the Debt and Damages aforesaid, against him the said *Owen*, by reason of the Recovery aforesaid, and endeavoureth, and threatneth unjustly, him the said *Owen*, to be taken and imprisoned, to his no smal Damage; Whereupon he had supplicated the Lord the Kings congruous remedy for him to be provided, The said Lord the King, Willing, what is just to be done to the said *Owen* in this behalf, sent to the Justices here, That the Complaint of the said *Owen* in this part being heard, and calling before them the Parties aforesaid, and other which in this behalf they shall see to be called, and their reasons thereof here being heard; To the said *Owen* full and speedy Justice they should cause to be done in this behalf, which of right, and according to the Law and custom of the Kingdom of the Lord the King of *England* should be done. And that they cause to come here at this day, that is to say, from the *Holy Trinity* in 15. dayes, the aforesaid *John*, to answer, of and upon the premises, and further to do and receive, what the Court, the said Lord the King here shall consider in that behalf; And now here, at this day, come as well the aforesaid *Owen*, by *Otho Gayer* his Attorny, as the aforesaid *John*, by *John Nye* his Attorny; And upon this, the said *Owen* saith, That whereas the aforesaid *John* in the Court of the said Lord the King that now is here, that is to say, in the Term of St. *Michael*, in the yeer of the Reign of the Lord the King that now is of *England*, &c. the 5th. before *Edward Coke Knt.* and his Companions then Justices of the said Lord the King of the same Bench here, that is to say, at *Westminster*, by the consideration of the said Court, recovered against the said *Owen*, as well the aforesaid Debt of 200. pounds, as the aforesaid 33. shallings,

33. ſhillings and 4. pence, which to the ſaid *Iohn*, in the ſame Court, of the ſaid Lord the King here was adjudged for his Damages, which he had by occaſion of detaining the ſame Debt whereof he is convicted; And whereas alſo the ſaid *Owen*, for that he did not come into the ſame Court of the ſaid Lord the King here, to ſatisfie the ſaid *Iohn* of his Debt and Damages, he was put in Exigent in the aforeſaid County of *Suſſex* to be Outlawed, and for that occaſion afterwards, that is to ſay, the 9th. day of *May*, in the yeer of the Reign of the Lord the King that now is, the 6th. was Outlawed, upon the ſaid Outlawry, the aforeſaid *Iohn Drury*, afterwards, that is to ſay, in the Term of the *Holy Trinity*, in the yeer of the Reign of the Lord the King that now is, the 6th. aboveſaid, ſued forth out of the Court of the Lord the King of the Bench here, a certain Writ of the ſaid Lord the King of *Capias utlagatum* againſt him the ſaid *Owen*, then to the Sherriff of the aforeſaid County of *S.* directed, By which Writ the ſaid Lord the King then commanded the ſaid Sherriff of *S.* that he do not omit for any Liberty within his County, but that he take the ſaid *Owen* Outlawed, in the ſaid County of *Suſſex*, the ſaid 19th. day of *May*, in the yeer of the Reign of the ſaid Lord the King that now is, the 6th. aboveſaid, At the Sute of the ſaid *Iohn Drury*, of the plea of Debt, whereof he is convicted of, *&c.* And him ſafely keep, *&c.* So as he have his body before the Juſtices of the ſaid Lord the King here in the morrow of *All Souls* then next comming, to do & receive, what the Court of the ſaid Lord the King thereof ſhould conſider in that behalf; By virtue of which Writ, the ſaid *Owen* afterwards, that is to ſay, the 7th. day of *October*, in the 6th. yeer aforeſaid, at *Guildford*, in the aforeſaid County of *Surry* by the aforeſaid *Rob. Morley* then being Sheriff of the aforeſaid County of *Surry*, was taken and impriſoned, And after he was ſo taken and impriſoned, the ſaid *Owen* by the ſaid Sherriff the ſame day and yeer, *&c.* At *Guildford* aforeſaid, out of that Priſon at large, where he would freely and voluntarily to go was ſuffered, and from the execution aforeſaid was delivered: And this he is ready to aver, Whereupon he prayeth Judgement, And that the aforeſaid *Iohn* from having his execution aforeſaid by colour of the Judgement aforeſaid be barred, and that the ſaid *Owen* thereof be diſcharged, *&c.* And the aforeſaid *Iohn* prayeth licence thereof to imparl here, until 8. dayes of St. *Michael*, *&c.* And hath it, *&c.* And the ſame day is given to the aforeſaid *Owen* here, *&c.* At which day, the plea aforeſaid was adjorned, by Writ of the Lord the King of Common adjornment here, untill from the day of St. *Michael*, in one Moneth then next following; At which day, here cometh as well the ſaid *Owen*, as the ſaid *Iohn* by their Attornies aforeſaid, and upon this, further prayeth liecnce thereof to imparl here, *&c.* Until from *Eaſter* day in 15. dayes, and hath it, *&c.* And the ſame day is given to the ſaid *Owen* here, *&c.* At which day of 14. dayes of *Eaſter*, came as well the aforeſaid *Owen*, as the aforeſaid *Iohn* by their Attornies aforeſaid, and upon this, The ſaid *Owen* prayeth that the aforeſaid *Iohn*, to his Writ and Declaration aforeſaid, anſwer: And the ſaid *Iohn Drury* ſaith, That he for any thing before alleged from having execution of his Debt and Damages againſt him the ſaid *Owen*, ought not to be barred or delayed; Becauſe he ſaith, That after the aforeſaid time, in which it is ſuppoſed the aforeſaid *Owen* out of the cuſtody of the aforeſaid Sheriff of *Surry*, to have eſcaped, and before

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any further execution againſt the aforeſaid *Owen*, by him the ſaid *John*, by Colour of the Judgement aforeſaid, was ſued forth and had, that is to ſay, in the Term of St. *Michael*, in the yeer of the Reign of the ſaid Lord the King that now is, the 6th. aboveſaid, out of the aforeſaid Court of the ſaid Lord the King that now is, of the Bench here, upon the Outlawry (as is before ſaid) pronounced, Iſſued forth a certain Writ of the ſaid Lord the King, of *Capias utlagatum*, againſt him the ſaid *Owen*, At the Sute of the ſaid *John* then to the Sheriff of the County of *Midd.* directed; By which Writ, The Lord the King commanded the aforeſaid Sheriff of *Midd.* That he ſhould not omit for any Liberty of his County, but that he take the aforeſaid *Owen*, by the name of *Owen Bray*, late of *Cobham*, in the County of *Surry*, *Gent.* Outlawed in the aforeſaid County of *Suſſex*, the aforeſaid 19th. day of *May*, in the year of the Reign of the Lord the King that now is, the 6th. aboveſaid, at the Sute of him the ſaid *John*, by the name of *John Drury*, Doctor of Law, Of a Plea of Debt whereof he was convicted, if he ſhould be found in his Baliwick; and him ſhould ſafe keep, *&c.* So as, he have his Body here, that is to ſay, at *Weſtminſter* aforeſaid, in the aforeſaid morrow of *All Souls*, the ſelf ſame Term of St. *Michael*, in the yeer aforeſaid, to do and to receive what to the Court of the ſaid Lord the King, thereof ſhould conſider in that behalf: At which morrow of *All Souls* here, that is to ſay, at *Weſtminſter* aforeſaid, cometh the aforeſaid *Owen*, by *William Brown* then his Attorny; And the Sheriffs, that is to ſay, *George Bolles*, and *Richard Farrington*, then Sheriffs of the aforeſaid County of *Midd.* then here ſent, That the aforeſaid *Owen* was not found, *&c.* And upon this the ſaid *Owen*, then prayed the hearing of the Writ of *Exigent*, upon which the ſaid *Owen*, at the Sute of the ſaid *John Drury* aforeſaid, in form aforeſaid ſtood Outlawed. And it was then read to him in theſe words: *JAMES* by the grace of God, of *England*, *Scotland*, *France*, and *Ireland* King defender, of the Faith, *&c.* To the Sherifs of *Suſſex*, greeting, We command you that you put in *Exigent*, *Owen Bray*, late of *Cobham*, in the County of *Surry*, *Gent.* from County in County, until according to the Law & Cuſtom of our Kingdom of *England* he be Outlawed, if he ſhall not appear, And if he ſhall appear, then that you him take, & cauſe ſafely to be kept ſo as you have his body before our Juſtices at *Weſt.* in the morrow of the *Holy Trinity*, to ſatisfie to *John Drury* Doctor of Law, as well of a certain debt of 200. pounds, which the ſaid *Iohn* in the ſaid our Court, before our Juſtices at *Weſtminſter* Recovered againſt him, as of 33. ſhillings and 4. pence, which to the ſaid *Iohn*, in the ſame our Court were adjudged for his Damages, which he had by occaſion of the detaining the ſame Debt, whereof he is Convicted. And ſent to our Juſtices at *Weſtminſter*, in 8. dayes of St. *Hillary*, That the aforeſaid *Owen* is not found in your Baliwick, And have here this Writ, witneſſe *Edward Coke* at *Weſtminſter*, the 25th. day of *Ianuary*, in the yeer of our Reign of *England*, *France*, and *Ireland*, the 5th. and of *Scotland*, the 41. Which being read and heard, The ſaid *Owen* ſaid, That he of the Outlawry aforeſaid, ought not to have him charged, becauſe the ſaid Writ of *Exigent* had not any certain day of Retorn, theſe words (Saint) between the word, morrow and *Trinity*, not having any ſignification as by the Writ aforeſaid then it appeared, And for the ſame Cauſe the ſaid *Owen* then prayed Judgement, and that the Outlaw-

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rie, aforeſaid in form aforeſaid pronounced and had, be annulled, made void, and altogether holden for nought. Upon which, the Writ aforeſaid then being ſeen, And by the Juſtices here then fully underſtood, To the ſame Juſtices, it then appeared, That the Allegation of the aforeſaid *William Brown* in diſcharge of the aforeſaid *Owen* of the Outlawry aforeſaid was true. Therefore then it was conſidered in the ſaid Court here, that the ſaid *Owen* by occaſion of the Outlawry aforeſaid ſhould not be be moleſted, or troubled, but ſhould go thereof acquitted, *&c.* as by the Record thereof in the ſaid Court here remaining fully appeareth: And ſo, the ſaid *John Drury* ſaith, That there is not any ſuch Record of the Outlawry aforeſaid, as the ſaid *Owen* by his Writ and Declaration aforeſaid above ſuppoſeth. And this he is ready to aver, whereupon, he prayeth Judgement, if he from execution of his Debt aforeſaid and damages aforeſaid againſt the aforeſaid *Owen* ought to be barred, &c. and the aforeſaid *Owin* ſaith, that the aforeſaid plea of the aforeſaid *John* in form aforeſaid above pleaded is not ſufficient in Law to the ſaid *John* his execution by Colour of the Iudgment aforeſaid to have, and maintain, and that he to that plea in manner and form aforeſaid above pleaded, needs not, nor by the Law of the Land is bound to anſwer; and this he is ready to aver, wherefore for default of ſufficient plea of the aforeſaid *John* in this behalf, the ſaid *Owen*, as at firſt prayeth Iudgement; and that the ſaid *John* from his execution by colour of the Iudgment aforeſaid be barred; and that the ſaid *Owen* be thereof charged, &c. and the aforeſaid *John* in as much as he ſufficient matter in Law to him the ſaid *John* his execution by colour of the Iudgment aforeſaid againſt the ſaid *Owen* to have, and maintain above hath alleged, which he is ready to aver, which matter the ſaid *Owen* doth not deny nor to the ſame any waies anſwereth, but the ſaid averrant altogether refuſeth, as before, prayeth Iudgement, and execution of his Debt and damages aforeſaid againſt the ſaid *Owyn* to him to be adjuged, &c. and becauſe the Iuſtices here will aviſe themſelves of and upon the premiſes before that they give their Iudgement thereof, Day is given to the parties aforeſaid until the morrow of the Holy Trynity to hear their Iudgement, becauſe the ſame Iuſtices here, thereof are not yet, &c.

Actions of Debt.

Trinity, Anno. 7°. of King JAMES. *Vineors* Caſe.
Rot. 2629 C.8. part fo. 80. a

Norff. *William Wilde* late of *Themilthorp* in the County aforeſaid, Yeoman, otherwiſe called *William Wilde* of *Themilthorp* in the County aforeſaid Yeoman, was ſummoned to anſwer to *Robert Vineor* of a plea, that he renders unto him 20 pounds which to him he oweth, and unjuſtly detayneth, *&c.* And whereupon, the ſaid *Robert* by *Thomas Vynior* his Attourney ſaith, that whereas the ſaid *William* the 15th. day of July, in the year of the reign of the Lord the King, that now is of

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England, *France* and *Ireland*, the 6th. at *Themilthorp* by his certain writing Obligatory granted him to be bound unto the ſaid *Robert* in the aforeſaid 20 pound to be paid to the ſaid *Robert* when he was therof required, yet the ſaid *William*, although often required, the aforeſaid 20 pound to the ſaid *Robert* not yet hath rendred, but the ſame to him hitherto hath denyed, and as yet doth deny, whereupon he ſaith that he is the worſe and hath damage to the valew of 10 pound, and thereof hebringeth ſute, and he brings here in Court the writing aforeſaid whieh the debt aforeſaid in form aforeſaid doth teſtifie, whoſe date is the day and year aforeſaid, &c. And the aforeſaid *William*, by *John Buſſel* his Atturney commeth and defends the force and injury when, *&c*, and prayeth the hearing of the writing aforeſaid, and it is read unto him, he alſo prayeth the hearing of the Condition of the ſaid writings, and it is read unto him in theſe words, The Condition of this Obligation is ſuch, that if the above bounden *William Wilde* do and ſhall from time to time and at all times hereafter, ſtand to, abide, obſerve, perform, fullfill and keep, the Rule, Order, Judgment, Arbitrament, Sentence, and final Determination of *William Rugge Eſquire*, Arbitrator indifferently named elected and choſen aswel of the part and behalfe of the ſaid *William Wilde*, as of the part and behalf of the abovenamed *Rober Vynior*, to Rule, order, adjudge, arbitrate, and finally determine, all matters, ſutes, Controverſies, debates, griefes, and contentions, heretofore moved and ſtirred, or now depending between the ſaid parties, touching or concerning the ſum of 22 pence heretofore taxed upon the ſaid *William Wilde* for diverſe kind of Pariſh buſineſs within the ſaid Pariſh of *Themilthorp*, ſo as the ſaid Award be made, and ſet down in writing under the hand and ſeal of the ſaid *William Rugge* at or before the Feaſt of St. *Michael* the Archangel next inſuing, after the date of theſe preſents, that then this preſent obligation to be void and of none effect, or elſe the ſame to ſtand abide and remain in full power ſtrength and virtue. Which being read and heard, the ſaid *William Wilde* ſaith, that the aforeſaid *Robert* his action aforeſad againſt him ought not to have, becauſe he ſaith, that the Arbitrator aforeſaid after the making of the writings, and before the aforeſaid Feaſt of Saint *Michael* the Archangel in the condition aforeſaid above ſpecified, did not make any Arbitrament in writing under the hand and ſeal of the ſame Arbitrator between him the ſaid *William* and the aforeſaid *Robert* of and upon the premiſes aforeſaid in the condition aforeſaid above ſpecified according to the form and effect of that condition, & this *&c*. he is ready to aver, whereupon he prayeth judgement if the aforeſaid *Robert* his action aforeſaid againſt him ought to have: And the aforeſaid *Robert* ſaith, That he by any thing before alleged from having his action aforeſaid, ought not to be barred, becauſe he ſaith that the ſaid *William Wilde* after the making of the writing aforeſaid, and before the aforeſaid Feaſt of Saint *Michael* the Archangel then next following, that is to ſay the 22 day of Auguſt in the year of the Reign of the Lord the King that now is of *England*, &c. the 6th. aforeſaid, at *Themilthorpe* aforeſaid by a certain writing which the ſaid *Robert* with the Seal of the ſaid *William* Sealed in Court brings whoſe date is the ſame day and yeare, reciting that whereas he the ſaid *William* then ſtood bounden to the aforeſaid *Robert* by the name *of Robert Vinyor* in

one writing Obligatorie in the ſum of 20 pound, which condition in the ſaid writing for the performance and fulfilling of the Arbitrament, Rule, Order, Judgement, Sentence, and final determination of *William Rugge Eſquire* Arbitrator choſen aſwel on the part of the ſaid *William Wilde* as on the part of the above named *Robert Vinyor* as in the ſaid writing Obligatory more fully is appeared, or might appear, then the ſaid *William* intending the revocation thereof, by the ſaid writing of Revocation, revoked and did call back all the authority whatſoever which the ſaid *William Wilde* by the ſaid writing Obligatory had given and commtited to the aforeſaid *William Rugge* his Arbitrator, and then altogether diſſallowed and held void, all and whatſoever the aforeſaid *William Rugge* after the delivery of the ſame writings of revocation ſhould do to him in and about the ſaid Arbitrament, Rule, Order, Iudgement, Arbitrament, Sentence and Determination of all matters, ſutes, controverſies, debates, griefs, and contentions, then before moved, and ſtirred, or then after depending between the ſaid parties touching or concerning the ſum of 22 pence taxed upon the ſaid *William Wilde* according to the aforeſaid writing Obligatory as it was in the ſame mentioned and declared, as by the ſaid writing of Revocation more fully appeareth, and this he is ready to aver, whereupon in as much as the aforeſaid *William Wilde* after the making of the writings aforeſaid before, &c. the ſaid Feaſt of Saint *Michael* the Archangel then next following in form aforeſaid diſcharged and diſſallowed the Arbitrator aforeſaid, of all authority of arbitrating of and upon the premiſes in the condition aforeſaid above ſpecified, contrary to the form and effect of his condition and ſubmiſſion in the ſame mentioned the ſaid *Robert* prayeth Iudgment and his debt aforeſaid together with his damages by occaſion of detayning of the ſame debt to be adjudged unto him, &c. and with that the ſaid *Robert* will aver that the aforeſaid writing obligatory here in Court brought, and the aforeſaid writing in the aforeſaid writing of revocation ſpecified is one and the ſame writing, and not other, nor diverſe. And the ſaid *William Wilde* ſaith that the plea of the ſaid *Robert* above by repplication pleaded is not ſufficient in Law to bar him the ſaid *Robert* his action aforeſaid againſt the ſaid *William* to have, and maintain, and that he to that plea in manner and form aforeſaid pleaded needeth not, nor by the Law of the Land is bounden to anſwer, and this he is ready to aver, whereupon, and for want of a ſufficient replication on his part, the ſaid *William* prayeth Iudgement, and that the ſaid *Robert* from his action aforeſaid againſt him to have, be barred, and the ſaid *Robert* in as much as he ſufficient matter in Law to him the ſaid *Robert* his action aforeſaid againſt the ſaid *William* to have, and maintain above by replying hath alleged, which he is ready to aver, which matter the aforeſaid *William* doth not deny, nor to the ſame in any wayes anſwereth, but the averment aforeſaid to admit doth altogether refuſe, as at firſt, prayeth Iudgement, and his debt aforeſaid together with his damages by occaſion of detayning his debt, to be adjudged unto him &c. And becauſe the Iuſtices here will aviſe themſelves of and upon the premiſes before they give their Iudgement thereof, Day is given to the parties aforeſaid here on 8 dayes of Saint *Michael* to hear their Iudgment thereof, becauſe the Iuſtices here, thereof not yet, &c.

Debt

Debt.

Trinity Term. Anno 10. of King James, *Rott.* 2413. In the *Common Pleas.* The Caſe of the Mayor and Burgeſſes of *Kings Lynne*, Concerning Miſnaming of Corporations.

Brownlow.

C. 10. part fol. 120. *a.*

John Payn, late of *Catton* in the County aforeſaid Gent. Executor of the Teſtament of *John Payne*, late called *John Payne* of *Kings Linne*, in the County of *Norffolk* Eſq. was ſummoned to Anſwer to the Mayor, and Burgeſſes of *Kings Lynne*, in the County of *Norfolk*, of a Plea, that he render to them 3000. pound, which he unjuſtly deteineth from them, *&c.* And whereupon the ſaid Mayor and Burgeſſes, by *Henry Baſtard* their Attorney ſay, That whereas, the aforeſaid *John Payne* the Teſtator in his life, the 27th. day of *January*, in the year of the Reign of the Lord the King that now is, *&c.* The 6th. at *Gaywood* by his writing Obligatory, had granted himſelf to be bounden to the ſaid Mayor and Burgeſſes, in the aforeſaid 3000. pound, to be paid to the ſaid Mayor and Burgeſſes, when thereof he was required, yet the ſaid *John Payne* the Teſtator in his life time, & the aforeſaid *John Payne* the Executor, after the death of him, the Teſtator *John Payne*, although often required, the aforeſaid 3000. pound, to the ſaid Mayor and Burgeſſes rendred not, but the ſame denyed to them to render, and the aforeſaid *John Payne* the Executor, doth deny the ſame yet to render to them, and unjuſtly deteineth the ſame, whereupon they ſay, that they are the worſe, and have damage to the value of 100. pound, and thereof bring Sute; and bring here into Court the writing aforeſaid, which the debt aforeſaid, in form aforeſaid, teſtifieth, *&c.* whoſe date is the ſame day and year aforeſaid, *&c.* And the aforeſaid *Iohn Payne* Executor, by *Thomas Bloſield* his Attorney, comes and defends the force and injury when, *&c.* And ſaith, that hee of the debt aforeſaid, by virtue of the writing aforeſaid, ought not to be charged, Becauſe he ſaith, That it is not the Deed of the ſaid *Iohn Payne* the Teſtator, and upon this puts himſelf upon the Countrey; and the aforeſaid Mayor and Burgeſſes likewiſe, Therefore it is commanded to the Sheriff, that he cauſe to come here, from the day of *Holy Trinity* in 3. weeks, 12. *&c.* By whom, *&c.* And who neither, *&c.* To Recognize, *&c.* Becauſe as well, *&c.* At which day the Jurors between the parties aforeſaid, of the Plea aforeſaid, were put between them in reſpite here untill this day, that is to ſay, in 8. dayes of Saint *Michael* then next following, unleſſe the Juſtices of the Lord the King to Aſſiſes in the County aforeſaid, to be taken aſſigned, by the form of the Statute, *&c.* upon *Monday* the 27th. of day *July* next following, at the Caſtle at *Norwich*, in the County aforeſaid firſt ſhall come, And now at this day comes, as well the aforeſaid Mayor and Burgeſſes, as the aforeſaid *Iohn Payne* the Executor, by their

Attorneys aforeſaid, and the aforeſaid Juſticesto Aſſiſes, before whom, &c. Send here, their Record, in theſe words. Afterwards the day and place within conteined, before *Edward Coke* Knight, Chief Juſtice of the Lord the King of the Bench, and *John Croke* Knight, one of the Juſtices of the ſaid Lord the King to Pleas, before the King himſelf to be holden, aſſigned Juſtices of the ſaid Lord the King to Aſſiſes, in the County aforeſaid to be taken, aſſigned by the form of the Statute, &c. come as well the within named Mayor and Burgeſſes, as the within written *John Payne* the Executor by their Attorneys within written; and the Jurors of the Jury, wherefore within is made mention, being called likewiſe come, who to ſay the truth of the within conteined, choſen, tryed, and ſworn, ſay, upon their Oath, That long before the making of the writing Obligatory, within written, The Lord *Henry*, late King of *England* the 8th. the 7th. day of *July*, in the year of his Reign the 29th. By his Letters Patents, under his Great Seal of *England*, bearing date at *Weſtminſter*, the ſame day and year, and to the Jurors aforeſaid in evidence ſhewed, Reciting by the ſaid Letters Patents, That whereas the ſaid late King, by his Letters Patents, whoſe date was the 27th. day of *June*, in the 16th. year of his Reign, of his ſpecial grace, and of his meer motion, late had granted, and by the ſaid his Letters Patents, confirmed for him his Heirs, & Succeſſors, to the Mayor, and Burgeſſes, and Inhabitants of his Borough of *Lynn Biſhop*, in his County of *Norfolk*, that they for ever, ſhould be one body Corporate, and one Cominalty, perpetually in thing and name, and that they ſhould have perpetual ſucceſſion, and the name of the Mayor, and Burgeſſes of the Borough of aforeſaid *Biſhops Lynne*, in the County of *Norfolk*, ſhould have and bear, and by the ſame name, ſhould be perſons able, and capable in Law, to have &, purchaſe Lands, Tenements, Goods and Chattels, & other poſſeſſions whatſoever, and to plead, and to be impleaded, anſwer, and anſwered, defend, and might and could defend, before any Juſtices whatſoever, whether ſpiritual Judges, or temporal, in whatſoever Courts, and in all and ſingular Actions, Cauſes, Matters, Plaints, and Demands of whatſoever kind they ſhould be or nature, in the ſame manner, as the other the Leige people of the ſaid late King, perſons able, and capable in Law to plead, and be impleaded to anſwer, and to be anſwered, defend, or might defend; and that the ſaid Mayor, and Burgeſſes, and their Succeſſors ſhould have, or might have one Common Seal for their buſineſſes, and others to be done within the Borough aforeſaid, happening, or ariſing, with divers other Liberties, Franchiſes, Grants, Articles, and immunities in the ſaid Letters Patents conteined and ſpecified, as in the ſaid Letters Patents more fully and manifeſtly is appeared: And whereas afterwards by a certain Statute late in Parliament, of the ſaid late King at *London*, holden the third day of *November*, in the 21th. year of his Reign, and from thence adjorned to *Weſtminſter* and there holden, and from that time continued by divers prorogations, untill the 4th. day of *February*, in the year of his Reign the 27th. and then and there holden, amongſt other things, it was enacted, That the ſaid late King *Henry* the 8th. his Heirs and Succeſſors, Kings of *England*, ſhould have hold and enjoy, to him for ever, the Lordſhips, or Manor of *Biſhops Lynne*, and *Gaywood*, amongſt other with all and ſingular their Appurtenances, As alſo all Liberties, Franchiſes, Goods and Chattels, Waifes, and Strays, Views of Frankpledge,

pledge, Courts, profits of Courts, and all and ſingular other Temporal poſſeſſions, and Hereditaments, with the appurtenances in *Biſhops Lynne*, and *Gaywood* aforeſaid, which late before then, belonged to the late Biſhop of *Norwich*, as in the ſaid Act of Parliament more fully appeared; The ſaid late King *Hen.* the 8th. For that by the ſaid Act, the ſame Mannors and Poſſeſſions to him and his Heirs Kings of *England*, were enacted, and were, willed and Ordained, & by the ſame his Letters Patents declared, for him and his Heirs, That the ſaid Town of *Biſhops Lynne* from thenceforth for ever, ſhould be named and called *Kings Lynne*, and not by any other name; and that the ſame name of *Biſhops Lynne* from henceforth, ſhould be deſtroyed and deprived. And further the ſaid late King *Henry*, out of his ſpecial grace, and meer motion, and for the love which he bore to the aforeſaid his beloved and faithful Subjects, The Mayor, and Burgeſſes, of his Borough of *Lynne* aforeſaid, in his County of *Norfolk* aforeſaid, and the ſaid Borough, and the Inhabitants of the ſame he had and bore, deſiring further peace, quiet, and tranquillity, in the ſaid Borough, continually to be had, and from time to time to be encreaſed, from whence all proſperity, utility, and their accommodations undoubted take beginning, had condeſcended, and by the ſame his Letters Patents, had granted for him, his Heirs, and Succeſſors, to the aforeſaid Mayor, and Burgeſſes, and Inhabitants, of his Borough aforeſaid, That they for ever after, The name of Mayor, and Burgeſſes of his Borough of *Lynne Regis*, commonly called *Kings Lynne*, in his County of *Norfolk*, ſhould have and enjoy, and by the ſame name ſhould be called and named, and not by any other name, And that by the ſame name, they ſhould be perſons able and capable in Law, to have and purchaſe Lands and Tenements, Goods and Chattels, and other poſſeſſions whatſoever, and to plead, and be impleaded, anſwer, and to be anſwered, defend, and might be defended, before whatſoever Juſtices, either Judges Temporal, or Spiritual in what Court ſoever, and in all and ſingular Actions, Cauſes, Matters, Plaints, and Demands, of what kind ſoever they ſhould be, or nature, in the ſame manner, as the other Liege people, of the ſaid late King were able and capable in Law to plead, and be impleaded, anſwer, and be anſwered, defend, or might be defended, as by the ſaid Letters Patents, to the Jurors aforeſaid in evidence ſhewed amongſt other things more fully appeareth. And farther the Jurors ſay upon their Oath aforeſaid, That after the making of the ſaid Letters Patents aforeſaid, that is to ſay, the aforeſaid 27th. day of *January*, in the year of the Reign of the Lord the King that now is, the 6th. within written, The aforeſaid *John Payne* the Teſtator in his life, The writing Obligatory, in the Declaration above ſpecified, made, ſealed, and as his Deed delivered to the aforeſaid Mayor, and Burgeſſes, of the Borough of the Lord the King of *Lynne Regis*, commonly called *Kings Lynne*, in his County of *Norfolk*, in the aforeſaid Letters Patents named, By the name of the Mayor, and Burgeſſes of *Kings Lynne* in the County of *Norfolk*, But whether upon the whole matter aforeſaid, by them the ſaid Jurors in form aforeſaid found, the writing Obligatory aforeſaid, in the Declaration within written, be the Deed of the ſaid *John Payne*, or not, the ſame Jurors are altogether ignorant, and pray thereof the adviſe of the Juſtices, and Court here, *&c.* And if upon the whole matter aforeſaid, by them the ſaid Jurors in form aforeſaid found,

found, It ſhall ſeem to the Juſtices here, That the writing aforeſaid, in the Declaration within written ſpecified, be the Deed of the aforeſaid, *John Payne* the Teſtator, Then the ſaid Jurours ſay, upon their Oath aforeſaid, That the writing aforeſaid, is the Deed of the ſaid *John Payne* the Teſtator, and then they aſſeſs the damages of the ſaid Mayor, and Burgeſſes, by occaſion of deteining of the debt within written, above their Coſts and Charges, by them in their ſute in this behalf, expended to 12. pence, and for their Coſts and Charges to 12. pence. And if upon the whole matter aforeſaid, by them the Jurors in form aforeſaid found, It ſhall ſeem to the Juſtices here, That the writing aforeſaid, be not the Deed of the aforeſaid *John Payne* the Teſtator, Then the ſaid Jurors ſay, upon their Oath aforeſaid, That the writing aforeſaid, is not the Deed of the aforeſaid *John Payne* the Teſtator, as the aforeſaid *John Payne* the Executor above in pleading hath alleaged: And becauſe the Juſtices here will aviſe themſelves of, and upon the premiſes, before that they give their Judgement thereof, day is given to the parties aforeſaid, untill, *&c.* To hear their Judgement thereof, becauſe the ſaid Juſtices here thereof are not yet, *&c.*

Dower.

Trinity Term, Anno 80. Of King JAMES, *Edward Althams* Caſe. *Co.* 8. part, fol. 14. a.

THomas *Lawrence*, and *Marcy* his Wife, by *Charles Cardinal* their Attorny, demand againſt *Edward Altham Gent.* and *Margaret* his Wife, the Third part of 100. Acres of Land, 10. Acres of Meadow, and 60. Acres of Paſture, with their Appurtenances in *Goſfield*, as the Dower of the ſaid *Marcy*, of the Endowment of *Thomas Naſh* the Elder, ſometimes her Huſband, *&c.* And the aforeſaid *Edward* and *Margaret*, by *John Rowley* their Attorny, come and ſay, That the aforeſaid *Thomas* and *Marcy*, the Dower of the ſaid *Marcy*, of the Tenements aforeſaid, with the Appurtenances whereof, *&c.* Of the Endowment of the ſaid *Thomas Naſh*, ſometimes Huſband, *&c.* Againſt them ought not to have, becauſe they ſay, That the ſaid *Thomas Naſh* ſometimes the Huſband, *&c.* Was ſeized of the Tenements aforeſaid, whereof, *&c.* In his Demeſn as of Fee, and held the ſame of *John Wentworth, Eſq.* as of his Mannor of *Goſfield*, with the Appurtenances in the County aforeſaid, in Free Socage, that is to ſay, by Fealty only for all manner of Services and Demands; And the ſaid *Thomas*, ſo of the Appurtenances whereof, *&c.* being ſeiſed, The 10th. day of *April*, in the yeer 1592. at *Goſfield* aforeſaid made his Teſtament, and laſt Will in writing, And by the ſame his laſt Will, willed and bequeathed the Tenements aforeſaid, with the Appurtenances whereof, to one *Zachary Naſh* Younger Son of the ſame *Thomas Naſh*, To have and to hold to the ſaid *Zachary* for term

term of his life, And afterwards there dyed of ſuch eſtate thereof ſeiſed; After whoſe death, the ſaid *Zachary* into the Tenements aforeſaid with the Appurtenances whereof, *&c.* entred and was thereof ſeiſed, in his demeſn as of Freehold, for the Term of his life, by virtue of the bequeſt aforeſaid, and the Reverſion of the Tenements aforeſaid, with the Appurtenances whereof, *&c.* after the death of the ſaid *Thomas* did deſcend to one *Thomas Naſh*, as Son and Heir of the aforeſaid *Thomas Naſh*, ſometimes Huſband, *&c.* By which the ſaid *Thomas* the Son, was ſeiſed of the ſaid Reverſion of the Tenements aforeſaid, with the Appurtenances whereof, *&c.* as of Fee and Right; And the ſaid *Thomas*, ſo thereof being ſeiſed, and the aforeſaid *Zachary* of the Tenements aforeſaid, with the Appurtenances, whereof, *&c.* So (as before is ſaid being ſeiſed) The aforeſaid *Marcy*, after the death of the ſaid *Thomas Naſh*, ſometimes her Huſband, *&c.* in the Widdowhood of the ſaid *Marcy*, whileſt ſhe was ſingle, that is to ſay, The 27th. day of *April*, in the yeer of the Reign of the Lady *Elizabeth*, late Queen of *England*, the 35th. at *Goſfield* aforeſaid, by her writing of Releaſe, which the ſaid *Edward* and *Margaret*, with the ſeal of the ſaid *Marcy* ſealed here in Court, bring, whoſe date is the ſame day and yeer, by the name of *Marcy Naſh*, the Widdow of *Thomas Naſh*, late of *Feringe*, in the County of *Eſſex* deceaſed, remiſed, releaſed, and altogether for her, her Heirs, Executors, and Adminiſtrators, for ever quit claimed, to the aforeſaid *Thomas Naſh*, Son and Heir of the aforeſaid *Thomas Naſh*, ſometimes the Huſband of the ſaid *Marcy*, by the name of *Thomas Naſh*, of *Wetherfield* in the County aforeſaid Yeoman, Son and Heir of the ſaid *Thomas Naſh* late her Husband, All, and all manner of Actions, as well Real, as Perſonal, all Sutes, Quarrels, and Demands whatſoever, which ſhe the ſaid *Marcy*, or her Executors, againſt the ſaid *Thomas Naſh*, Son and Heir, Executors, ever have or had, then had or ought to have, or any wayes then might or would have by reaſon of any thing, cauſe or deed whatſoever, from the beginning of the world, unto the day of the date of the ſame Writing of Releaſe; After which Writing of Releaſe, to the aforeſaid *Thom.* the Son, as before is ſaid, made, The aforeſaid *Thomas* the Son, of the Reverſion of the Tenements aforeſaid, with the Appurtenance whereof, *&c.* in form aforeſaid being ſeiſed, At *Goſfield* aforeſaid, dyed of ſuch his eſtate thereof ſeiſed; After whoſe death, the ſaid Reverſion of the Tenements aforeſaid, with the Appurtenances whereof, *&c.* did deſcend, to the aforeſaid *Margaret*, as Daughter and Heir of the aforeſaid *Thomas* the Son; By which the ſaid *Margaret* was ſeiſed of the ſaid Reverſion of the Tenements aforeſaid, with the Appurtenances whereof, *&c.* as of Fee and Right, and ſhe the ſaid *Margaret* ſo of the ſame Reverſion, as before is ſaid, being ſeiſed, And the aforeſaid *Zachary*, of the Tenements aforeſaid, with the Appurtenances whereof, *&c.* in form aforeſaid being ſeiſed, The ſaid *Zachary*, afterwards, at *Goſfield* aforeſaid dyed of ſuch his eſtate thereof ſeiſed. After whoſe death the ſaid *Margaret*, into the Tenements aforeſaid with the Appurtenances whereof, *&c.* entred, and was thereof ſeiſed in their Demeſn as of Fee and Right, and ſo thereof being ſeiſed, The ſaid *Margaret* afterwards, and before the day of bringing the Original Writ as aforeſaid, of the ſaid *Thomas* and *Lawrence*, and *Marcy*, at *Goſfield* aforeſaid, took to Huſband the aforeſaid *Edward*

ward Altham, By which the ſaid *Edward* and *Margaret* were and yet are ſeiſed of the Tenements aforeſaid, with the Appurtenances whereof in their Demeſn as of Fee in the Right of the ſaid *Margaret*: And this they are ready to aver, and demand Judgement if the aforeſaid *Thomas Lawrence*, and *Marcy*, Dower of the ſaid *Marcy*, of the Tenements aforeſaid, with the Appurtenances whereof, *&c.* Of the Endowment of the ſaid *Thomas Naſh*, ſometimes the Huſband, *&c.* againſt them ought to have, *&c.* And the aforeſaid, *Thomas Lawrence* and *Marcy* demand the hearing of the aforeſaid Writing of Releaſe, And it is read unto them in theſe words. To All Faithful People to whom this preſent Writing ſhall come, *Marcy Naſh*, the Widow of *Thomas Naſh*, late of *Feringe*, in the County of *Eſſex*, greeting in our Lord God everlaſting, Know, Me the aforeſaid *Marcy* being in my pure Widowhood, and full power, to have Remiſed, Releaſed, and altogether for Me, my Heirs, Executors, and Adminiſtrators, for ever quit claimed, to *Thomas Naſh* of *Wetherfield*, in the County aforeſaid Yeoman, All and all manner of Actions, as well real as perſonal Sutes, Quarrels and Demands whatſoever, As alſo all my Dower, and Title and Action of Dower, to me appertaining, by the death of the ſaid *Thomas*, my Huſband, of any of his Lands and Tenements in *Wetherfield* aforeſaid, what or which, I the ſaid *Marcy*, or my Executors againſt him the ſaid *Thomas Naſh*, the Son, or his Executors, I ever had, have, or any wayes hereafter may have, we have or may have, by reaſon of any thing, cauſe or deed whatſoever, from the beginning of the World, unto the day of the Date of this preſent Writing of Releaſe. And further know ye, Me the aforeſaid *Marcy*, to have given and Remiſed to the ſaid *Thomas Naſh* the Son, All the Goods late of the ſaid *Thomas* my Huſband, which were in the poſſeſſion of the ſaid *Thomas* the Son, or his Aſſignes, at the time of the making of this deed of Releaſe; In Witneſſe whereof to this my preſent Writing, I have ſet my Seal, Dated the 27th. day of *April*, in the yeer of the Reign of our Lady *Elizabeth*, by the Grace of God of *England*, *France*, and *Ireland* Queen defendor of the Faith, *&c.* the 35th. Which being read and heard, The ſaid *Thomas Lawrence*, and *Marcy* ſay, That they for any thing before alleged, for having the Dower of the ſaid *Marcy*, ought not to be barred, becauſe they ſay, That the aforeſaid *Thomas Naſh* ſometimes Huſband, *&c.* in his life time, and at the time of his death, was ſeiſed as well of the Tenements aforeſaid, with the Appurtenances whereof, *&c.* in *Gosfield* aforeſaid, As of Two Meſſuages, and 200. Acres of Land, with the Appurtenances in *Wetherfield* aforeſaid, in his Demeſn as of Fee, And ſo thereof being ſeiſed, at *Gosfield* aforeſaid, by his Laſt Will and Teſtament in Writing deviſed, the Tenements aforeſaid with the Appurtenances whereof, *&c.* in *Gosfield* aforeſaid, to the aforeſaid *Zachary Naſh*, younger Son of the ſaid *Thomas Naſh*, ſometimes Huſband, *&c.* And afterwards, at *Gosfield* aforeſaid dyed, After whoſe death the ſaid *Thomas Naſh* the younger, as Son and Heir of the ſaid *Thomas Naſh*, ſometimes Huſband, *&c.* into the Tenements aforeſaid with the Appurtenances in *Wetherfield* aforeſaid entred, and was thereof ſeiſed in his Demeſn as of Fee and Right, And the ſaid *Zachary* into the Tenements aforeſaid, with the Appurtenances whereof, *&c.* in *Gosfield* aforeſaid entred, and was thereof ſeiſed in his Demeſn as of Freehold for the Term of his life, And

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the ſaid *Thomas Lawrence* and *Marcy* further ſay, That at the time of the death of the aforeſaid *Thomas Naſh*, ſometimes Huſband, &c. the aforeſaid *Zachary* was within the Age of 21. yeers, that is to ſay of three yeers, by which the ſaid *Marcy* whileſt ſhe was ſingle, as Guardian and for nurture of the ſaid *Zachary*, into the Tenements aforeſaid, with the Appurtenances whereof, &c. in *Goſfield* aforeſaid, entred, and was thereof poſſeſſed, the aforeſaid *Thomas Naſh*, the Son of the Tenements aforeſaid, with the Appurtenances in *Wetherfield* aforeſaid being ſeiſed, and that the ſaid *Zachary* of the Tenements aforeſaid, with the Appurtenances whereof, &c. in *Goſfield* aforeſaid, in form aforeſaid, being ſeiſed, And the ſaid *Marcy* in form aforeſaid being poſſeſſed, Afterwards, and before the making of the aforeſaid Writing of Releaſe here in Court brought, at *Goſfield* aforeſaid, It was concluded and agreed between the ſaid *Marcy* whileſt ſhe was ſingle and the aforeſaid *Thomas Naſh* the Son that the ſaid *Marcy* ſhould releaſe to the ſaid *Thomas Naſh* the Son all her Dower, happening to her after the death of the aforeſaid *Thomas Naſh* ſometimes the huſband, &c. in all Lands, and Tenements of the ſaid *Thomas* in *Wetherfield* aforeſaid, And that the ſaid *Thomas Naſh* the Son ſhould enfeoff, *John Tiler* the elder, and *John Tiler* the younger, and their heirs of the Tenements aforeſaid with the appurtenances whereof, &c. in *Goſfield* aforeſaid to the uſe of the ſaid *Zachary* and the heirs of his body Lawfully begotten: and the ſaid *Thomas Lawrance* and *Marcy* farther ſay, that the aforeſaid *Thomas Naſh* the Son of the Tenements aforeſaid in *Wethersfield* aforeſaid, in the form aforeſaid being ſeiſed, and the aforeſaid *Marcy* of the Tenements with the appurtenances whereof, &c. in *Goſfield* aforeſaid being poſſeſſed, the ſaid *Marcy* afterwards, that is to ſay the aforeſaid 27th day of April in the year of the Reign of the ſaid Lady *Elizabeth* late Queen of *England* the 35th. aboveſaid whileſt ſhe the ſaid *Marcy* was ſingle at *Goſfield* aforeſaid the aforeſaid writing of Releaſe to the aforeſaid *Thomas* the Son ſealed and delivered: And the aforeſaid *Thomas Naſh* the Son the 28th day of April in the year of the Reign of the ſaid late Queen the 35th. aforeſaid at *Goſfield* aforeſaid enfeoffed the aforeſaid *John Tiler* the elder and *John Tiler* the younger, and their heirs of the Tenements aforeſaid with the appurtenances whereof, &c. in *Goſfield* aforeſaid, To the uſe of the aforeſaid *Zachary* and the heirs of his body Lawfully begotten; and this they are ready to aver, whereupon, they demand Judgement and ſeiſin of the third part of the Tenements aforeſaid with the appurtenances whereof, &c. in *Goſfield* aforeſaid, to be adjudged to the ſaid *Thomas Lawrance* in manner and form aforeſaid, and that the matters above in the replication aforeſaid are not ſufficient in Law, them the ſaid *Thomas* and *Marcy* the Dower of the ſaid *Marcy* in the Tenements aforeſaid with the appurtenances whereof, &c. againſt the ſaid *Edward* and *Margaret* to have and maintain, and that they need not, nor by the Law of the Land are bound to anſwer, and this they are ready to aver, wherefore for default of ſufficient Replication of the aforeſaid *Thomas* and *Marcy* in this part, the ſaid *Edward* and *Margaret* as at firſt demand Judgement: And that the ſaid *Thomas Lawrence*, and *Marcy* from the Dower of the ſaid *Marcy* of the Tenements aforeſaid, with the Appurtenances whereof, &c. againſt them to have be barred, And the ſaid

Thomas and *Marcy*, for as much as they ſufficient matter in Law, the ſaid *Thomas* and *Marcy*, to have and maintain their Action aforeſaid, againſt the ſaid *Edward* and *Margaret*, above by Replication have alleged, which they are ready to aver, Which matter the ſaid *Edward* and *Margaret* do not deny, nor to the ſame any wayes Anſwer, but the Averment aforeſaid altogether Refuſe to admit, as before, demand Judgement, and ſeiſin of the third part aforeſaid, to be adjudged unto them: And becauſe the Juſtices here will aviſe themſelves of and upon the premiſes before that they give their Judgement thereof, Day is given to the parties aforeſaid here untill, in 8. dayes of St. *Michael* to hear their Judgement thereof, becauſe the ſaid Juſtices here thereof not yet, *&c.*

Debt.

Eſter Term, 26. of Queen *Elizabeth*. *Rott.* 1608.

Richard Mauſer late of *London* yeoman (otherwiſe called *Richard Mauſer*) of *Gillingham* in the County of *Kent* Yeoman, was ſummoned to Anſwer to *William Painter* Eſq. of a Plea, that he render to him 40. pound, which he oweth him, and unjuſtly deteineth, *&c.* And whereupon the ſaid *William*, by *Thomas Antrobus* his Attorney ſaith, That the ſaid *Richard* the 6th. day of *April*, in the year of the Reign of the Lady the Queen that now is, the 12th. at *London*, in the Pariſh of the bleſſed *Mary* of *Bow*, in the Ward of *Cheap*, by a certain writing Obligatory, granted himſelf to be bounden to the ſaid *William*, in the ſaid 40. pound, to be paid to the ſaid *William*, in the Feaſt of the *Aſcenſion* of our Lord, then next following: Yet the aforeſaid *Richard* although often required, the aforeſaid 40 pound, to the ſaid *William*, hath not yet rendred, but the ſame to him hitherto hath denyed, and yet doth deny, whereupon he ſaith, he is the worſe, And hath damage to the value of 10. pound, and thereof he bringeth ſute, And he brings here in Court the writing aforeſaid, which the debt aforeſaid, in form aforeſaid doth teſtifie, the date of which, is the day and year aforeſaid, *&c.* And the ſaid *Richard* by *John Cook* his Attorney cometh, and defendeth the force and injury when, *&c.* And prayeth the hearing of the writing aforeſaid, and it is read unto him in theſe words, The Condition of this Obligation is ſuch, That whereas the within bounden *Richard Mauſer*, and *John Mouſer* his Son, by their deed of Feoffment, bearing date, the date of this Obligation, have given, granted, and confirmed unto the within named, *William Paynter* and his Heirs, all that parcel of Wood-land, called *South-wood*, conteining by eſtimation 10. Acres, be it more or leſſe, lying together in the Pariſh of *Gillingham* within ſaid, and *Bedherſt* in the County within ſaid, to the Lands of one *Thomas Remſby*, towards the Eaſt, Weſt, and North, and to the Kings way, towards the South, as the ſame do more at large it appear, If the ſaid *William Paynter*, and his Heirs ſhall and may

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at all times hereafter have, hold, and injoy all the aforeſaid parcell of Wood-land with the appurtenances, and charged or ſaved harmleſſe, of and from all and every former Bargain, Sale, Gift, Grant, Leaſe, Right, Copihold, Dower, Rent, Charge, and all other things, and incumbrances whatſoever, had, made, or ſuffered to be done, by the ſaid *Richard Mauſer*, or his Heirs or Aſſignes, and alſo if the ſaid *Richard Mauſer*, and *John Mauſer* his Son, and their Heirs, and the Heirs of either of them, do at all times hereafter upon requeſt to them, or any of them made, at the coſts and charges of the ſaid *William Paynter*, his Heirs, and Aſſigns, make, ſeal, deliver, acknowledge, and do all and every ſuch further reaſonable Act, and Acts, thing, and things, deviſe, and deviſes in Law, as ſhall be reaſonably deviſed, or required to be done by the ſaid *William Paynter*, his Heirs, or Aſſigns, or his or their Counſel learned in the Law, for the further aſſurance, ſurety, and ſure-making of the aforeſaid parcel of Wood-land, with the appurtenances, unto the ſaid *William Paynter*, his Heirs, and Aſſigns: That then this preſent Obligation to be void, or otherwiſe to remain in his force and vertue. Which being read and heard, The ſaid *Richard* ſaith, That the ſaid *William* ought not to have his Action againſt him, becauſe he ſaith, That the aforeſaid *William*, from the time of the making of the writing aforeſaid, untill the day of the bringing of the Original Writ, of the ſaid *William*, that is to ſay, the 16th. day of *October*, in the year of the Reign of the Queen that now is, the 24th. had, held, and enjoyed, all the ſaid parcell of Wood, with the appurtenances, called *Southwood*, in the Condition aforeſaid above ſpecified, kept free of and from all and ſingular former Bargains, ſales, gifts, grants, demiſes, rights, joyntures, dowers, rent, charges, and from all other charges, and incumbrances whatſoever had, made, or ſuffered to be made, by the ſaid *Richard Mauſer* his Heirs, or Aſſigns, according to the form and effect of the Endorſment thereof, And the ſaid *Richard Mauſer* further ſaith, That after the making of the writing aforeſaid, and before the day of the bringing of the Original Writ aforeſaid, That is to ſay, The 10th. day of *April*, in the year of the Reign of the ſaid Lady the Queen that now is, the 24th. The aforeſaid *William Paynter* at *Gillingham* in the County of *Kent*, deviſed in writing, a certain writing of Releaſe, between the ſaid *William Paynter*, and him the ſaid *Richard Mauſer*, and the beforeſaid *John Mauſer*, and then and there required the ſaid *Richard*, and the ſaid *John*, that they would deliver the ſaid writing as their Deed, whereupon the ſaid *Richard*, the ſaid writing at *Gillingham* aforeſaid, ſealed and delivered as the Deed of the ſaid *Richard*, to the aforeſaid *William*. And further the ſaid *Richard* ſaith, That the ſaid *John*, Son of the ſaid *Richard*, in the condition aforeſaid named, upon the requeſt of the ſaid *William*, made to the ſaid *John*, to Seal and deliver that writing as his Deed, upon the ſhewing of the ſaid writing of Releaſe ſo deviſed, becauſe the ſaid *John* was not lettered, and could not read, nor diſcern the contents, or matter of the ſaid writing at *Gillingham* aforeſaid, then required of the ſaid *William Paynter*, the writing aforeſaid, to be delivered unto him, to ſhew the ſame to a man learned, who could read the ſaid writing to him: ſo that he upon the reading of the contents of the writing aforeſaid, might inform himſelf, whether that writing were made according to the Tenor of the Condition aforeſaid, or not; and the ſaid *John*, ſaid then and there, That

he would Seal and deliver that writing, if that writing were according to the Tenor of the Condition aforeſaid, But the ſaid *William*, then and there refuſed to deliver to the ſaid *John* the writing aforeſaid, to ſhew to a man learned in the Law, who could read the ſame to the ſaid *Iohn*: By reaſon of which, The ſaid *Iohn* did not ſeal, nor deliver the writing aforeſaid to the ſaid *William*, upon the requeſt of the ſaid *William*, in manner and form aforeſaid made: And the aforeſaid *Richard Mauſer* ſaith, That from the time of the making of the writing aforeſaid, untill the day of the bringing of the Writ aforeſaid, there were not any other farther Act or Acts, deviſe or deviſes by the ſaid *William*, or his Counſel learned, deviſed, and required to be done to the aforeſaid *William Paynter*, for the further aſſurance, ſecurity, and ſure making of the aforeſaid parcell of Wood with the appurtenances, by the ſaid *Richard Mauſer*, and *Iohn Mauſer*, or any of them, to the aforeſaid *William Paynter*, his Heirs and Aſſigns, according to the form and effect of the Condition aforeſaid to be done, And this he is ready to averr, whereupon he prayeth Judgement, if the ſaid *William* his Action aforeſaid againſt him, ought to have, And the ſaid *William* ſaith, That the Plea of the ſaid *Richard*, in manner and form above pleaded, is not ſufficient in Law to Barr the ſaid *William*, to have his Action aforeſaid againſt the ſaid *Richard*, and that he to that Plea in manner and form aforeſaid pleaded, needeth not by the Law of the Land to Anſwer, and this he is ready to averr, Whereupon for default of a ſufficient Plea in this party, The ſaid *William* demandeth Judgement, and his debt, aforeſaid, together with his damages, by occaſion of deteining his debt to be adjudged unto him, *&c.* And the ſaid *Richard*, for as much as he ſufficient matter in Law, to barr the aforeſaid *William* of having the Action aforeſaid, againſt the ſaid *Richard* above hath alleged, which he is ready to averr, And which matter the ſaid *William* doth not deny, nor to the ſame in any manner Anſwer, but the ſame averment to admit, doth altogether refuſe, as before, he demandeth Judgement, and that the ſaid *William* from his action aforeſaid, having againſt him the ſaid *Richard* be barred, *&c.* And becauſe the Juſtices here will adviſe of, and upon the premiſes before they give Judgement, day is given to the parties aforeſaid untill the day after the Holy Trinity to hear their Judgement, *&c.* Becauſe, the ſaid Juſtices hereof not yet, *&c.* At which day here come, as well the ſaid *William Paynter*, as the ſaid *Richard Mauſer* by their Attorneys aforeſaid; and becauſe the Juſtices here will further adviſe of, and upon the premiſes before they give Judgement, further day is given to the parties aforeſaid untill in 8. dayes of St. *Michael*, to hear their Judgement, becauſe the ſaid Juſtices here hereof not yet, *&c.* At which day come as well the ſaid *William Paynter*, as the ſaid *Richard Mauſer* by their Attorneys aforeſaid; and upon this the premiſes conſidered, and by the Juſtices here fully underſtood, It ſeemed to the Juſtices here, That the aforeſaid Plea of the ſaid *Rich. Mauſer* above in Barr pleaded, is not ſufficient in Law, the ſaid *Rich.* as to barr the ſaid *Wil.* to have his Actiõ aforeſaid againſt the ſaid *William Paynter* above hath alleged: Therefore it is granted, that the ſaid *William Paynter*, recover againſt the ſaid *Richard Mauſer* his debt aforeſaid, and his damages by occaſion of deteining of his debt to 20. pounds to the ſaid *William*, with his aſſent by the Court here adjudged, and the aforeſaid *Richard* in mercy, *&c.* Afterwards, that is to ſay, the

10th.

10th. day of *June* in the year of the Reign of the Queen that now is the 28th. came into Court the ſaid *William Paynter*, by the aforeſaid *Thomas Antrobas* his Attorney, by a ſpecial Warrant to him made in this behalf, and acknowledged, That he is ſatisfied of the debt and damages aforeſaid, Therefore the ſaid *Richard* of the debt and thoſe damages be acquitted, *&c.*

Trinity 27°. *Eliz.* Rott, 1354. in the *Common Pleas.* *Wiſemans* Caſe. *Co.* 1. part. Fol. 1. a.

AT another time, as it appeareth *Eaſter* Term in the year of the Reign of the Lady the Queen that now is, the 27th. *Rott.* 1056. it is conteined, thus: *Eſſex.* ſſ. *Richard Bernard* of great *Braxſted*, in the County aforeſaid Yeoman, was ſummoned to Anſwer to *John Wiſeman* of a Plea, that he render to him 18. pound which he oweth him, and unjuſtly deteineth, *&c.* And whereupon the ſaid *John* by *Apollo Playne* his Attorney ſaith, That whereas one *Thomas Wiſeman* was ſeiſed of, and in the Iſland of *Oſee* with the appurtenances in great *Totham*, in the County aforeſaid in his demeſn as of Fee, and ſo thereof being ſeiſed, The ſaid Iſland with the appurtenances, held of the Lady the Queen that now is, as of her Manor of Eaſt *Greenwich*, in the County of *Kent* in free Socage, that is to ſay, by Fealty only, The ſaid *Thomas* ſo thereof being ſeiſed, the 15th. day of *October*, in the year of the Reign of the Queen that now is, the 19th. at Great *Totham* aforeſaid demiſed, the one moyety of the ſaid Iſland to the aforeſaid *Richard*, To have and hold the ſaid moyety with the appurtenances to the ſaid *Richard*, from the feaſt of St. *Michael* the *Archangel* then laſt paſt, untill the end and Term of 21. years from thence next following fully to be compleated, Yielding and paying therfore yearly to the aforeſaid *Thomas* his Heirs and Aſſigns, 36. pound of Lawful Money of *England* at two Terms of the year, That is to ſay, at the Feaſt of the Nativity of Saint *John* the Baptiſt, and the Birth of our Lord, by equal portions to be paid, By virtue of which demiſe, the aforeſaid *Richard*, in the moyety aforeſaid with the appurtenances did enter, and was, and yet is thereof poſſeſſed, and ſo being thereof poſſeſſed, and the ſaid *Thomas* of the reverſion of the ſaid moyety as of Fee and Right, and of the other moyety of the Iſland aforeſaid, being ſeiſed in his demeſn as of Fee, the ſaid *Thomas* had iſſue *William* his Son and Heir apparent, and the ſaid *William* had iſſue *John* his Son and Heir apparent; and afterwards the ſaid *William* at Great *Totham* aforeſaid dyed, and the aforeſaid *Thomas* of the Reverſion of the one Moyety of the Iſland aforeſaid, & of the other Moyety of the ſaid Iſland with the appurtenances, in form foreſaid being ſeiſed, The ſaid *Thomas* ſo thereof ſeiſed, the 20th. day of *November*, in the 23th. year of the Reign of the Queen that now is, at Great *Totham* aforeſaid, made his Teſtament and laſt Will in writing, and by

by the ſame, willed and bequeathed to one *Thomas Wiſeman* his Son, the ſaid Reverſion of the aforeſaid Moyety of the Iſland aforeſaid; and the other Moyty of the ſaid Iſland, To have to him and the Heirs males of his body lawfully begotten, and for default of ſuch iſſue, the remainder to the right Heirs of the ſaid *Thomas Wiſeman* the Father for ever. And afterwards, The ſaid *Thomas Wiſeman* the Father at Great *Totham* aforeſaid dyed of ſuch Eſtates of the aforeſaid reverſion of the one Moyety of the Iſland aforeſaid, and of and in the aforeſaid other Moyety of the ſaid Iſland with the appurtenances ſeiſed. After whoſe death the aforeſaid *Thomas Wiſeman* the Son into one Moyety of the Iſland aforeſaid entred, and was thereof ſeiſed in his demeſn as of Fee tail, and ſeiſed of the aforeſaid Reverſion of the other Moyety of the ſaid Iſland as of Fee-tail, that is to ſay to him, and the Heirs males of his body lawfully begotten, the reverſion thereof to the ſaid *John*, as Coſin and Heir of the ſaid *Thomas Wiſeman* the Father belonging, that is to ſay, as Son and Heir of *William Wiſeman* deceaſed, Son and Heir of *Thomas Wiſeman* the Father: And the aforeſaid *Thomas Wiſeman* the Son ſo thereof being ſeiſed, and the ſaid *John*, Coſin and Heir of the aforeſaid *Thomas*, the Father, of the Reverſion thereof, as of Fee and Right being ſeiſed, The ſaid *John* the 16th. day of *May*, in the year of the Reign of the Queen that now is, the 24th. at great *Totham* aforeſaid, By his Indenture baring date the ſame day & year, made between him the ſaid *John VViſeman*, by the name of *John VViſeman*, of the Inner Temple *London* Gent. Coſin and next Heir of *Thomas VViſeman* late of *Norhead*, within the Pariſh of *Muchwaltham* in the County of *Eſſex* Eſq. deceaſed of the one party, and *Anthony Everard*, *John Mead*, and *John Sorrel*, by the name of *Anthony Everard*, of the Inner Temple *London* Gent. *John Meade* of Great *Eaſton*, in the County of *Eſſex* Gent. and *John Sorrel* of *Stylſted* in the aforeſaid County of *Eſſex* Gent. of the other party, and in the Court of the ſaid Lady the Queen that now is, of Pleas holden before the Queen her ſelf, within 6 Moneths then next following, according to the form of the Statute in ſuch caſe late had and provided in due manner of Record enrolled, and of which one part, with the ſeals of the ſaid *Anthony*, *John Meade*, and *John Sorrel* Sealed, the ſaid *John VViſeman* here in Court, brings whoſe date is the ſaid 6th. day of *May*, in the 24th. yeer aforeſaid, teſtifying, That the aforeſaid *Thomas VViſeman*, as well in conſideration and to the intent, That all, and all manner, the Manors, Meſſuages, Lands, Tenements, and Hereditaments, with all and ſingular their appurtenances, ſhould and might for ever after continue, remain, and be at the will and good pleaſure of God in the Stock, Name, or Bloud of the ſaid *John VViſeman*, as for divers other good cauſes, and conſiderations, him the ſaid *John VViſeman* then eſpecially moving, had Covenanted, and Granted for himſelf, his Heirs, Executors, Adminiſtrators, and Aſſigns, To and with the ſaid *Anthony Everard*, *John Meade*, and *John Sorrel*, their Heirs, Executors, and Adminiſtrators, and the Heirs, Executors, and Adminiſtrators of every of them by the ſaid Indenture, That he the ſaid *John VViſeman* his Heirs and Aſſigns, ſhould and would immediatly from henceforth ſtand and be ſeiſed of and in the Reverſion and Reverſions, Remainder and Remainders, of all and ſingular the Manors, Lands, Tenements, and Hereditaments before mentioned, To the uſe of the ſaid *John VViſeman*, and the Heirs males of his body lawfully

fully to be begotten, and for default of ſuch iſſue, To the uſe of *William VViſeman*, Brother of the ſaid *Iohn VViſeman* lawfully begotten, and for default of ſuch iſſue, To the uſe of *Thomas VViſeman*, another Brother of the ſaid *Iohn VViſeman*, and the Heirs males of the body of the ſaid *Thomas* lawfully to be begotten. And for default of ſuch iſſue, To the uſe of the Heirs of the body of *VVilliam VViſeman*, Father of the ſaid *Iohn VViſeman*, and the Heirs of their bodies lawfully to be begotten, and for default of ſuch iſſue, To the uſe of the Heirs of the body of the aforeſaid *Thomas VViſeman* deceaſed, and the Heirs of their bodies lawfully to be begotten, and for default ſuch iſſue, To the uſe of the Lady the Queen that now is, and the Heirs and Succeſſors of the ſaid Lady the Queen, Kings and Queens of this Realm of *England* for ever as by the ſaid Indenture amongſt other things it more fully, manifeſt and doth appear. By vertue of which Indenture, and by force of a certain Act in Parliament of the late King *Henry* 8. at *Weſtminſter*, in the County of *Middleſex*, the 4th. day of *February*, in the yeer of his Reign the 27th. of transferring of uſes in poſſeſſion then holden, ſet forth, The ſaid *John VViſeman* was ſeiſed of the Reverſion of the whole Iſland aforeſaid, as of Fee tail and right, and for default of ſuch iſſue, the remainder to the aforeſaid *VVilliam VViſeman*, Brother of the ſaid *John VViſeman*, and the heirs males of the Body of the ſaid *VVilliam* lawfully to be begotten. And for default of ſuch iſſue, To the uſe of the ſaid *Thomas VViſeman*, another Brother of the ſaid *John VViſeman*, and the heirs males of the Body of the ſaid *Thomas* lawfully to be begotten, And for default of ſuch iſſue, the remainder thereof to of the heirs of the body of the aforeſaid *VVill. VViſeman* the Father, and the heirs of their bodies lawfully to be begotten; And for default of ſuch iſſue, the Remainder thereof to the heires males of the Body of the ſaid *Thomas VViſeman* deſceaſed, and the heirs males of their Body lawfully to be begotten; And for default of ſuch iſſue, The remainder there to the ſaid Lady the Queen that now is, her Heirs and Succeſſors, Kings and Queenes of this Kingdom of *England* belonging; And the beforeſaid *John* of the aforeſaid Reverſion of the whole Iſland aforeſaid, as of Fee tail and right in form aforeſaid being ſeiſed, the remainder thereof further in the form aforeſaid belonging; The ſaid *Thomas VViſeman* the Son afterwards, that is to ſay, the 15th. day of *July*, in the year of the ſaid Lady the Queen that now is, the 26th. at great *Totham* aforeſaid, dyed without heir male of his body lawfully begotten, After whoſe death the ſaid *John*, into one Moyety of the Iſland aforeſaid with the Appurtenances entred, & was and yet is thereof ſeiſed in his Demeſn as of Fee tail; And likewiſe the ſaid *John* was and yet is ſeiſed of the aforeſaid Reverſion of the other Moiety of the ſaid Iſland, as of the Fee tail and of right, And thereof being ſeiſed; And the ſaid *Richard*, of the ſaid other Moiety of the aforeſaid Iſland, with the Appurtenances in form aforeſaid being poſſeſſed, The aforeſaid 18. pounds of the Rent aforeſaid, for half a yeer, ended at the Feaſt of the Birth of our Lord, in the year of the Reign of the Lady the Queen that now is, the 27th. to the ſaid *John* was behind, and do yet remain unpaid, For which Action accrued to the ſaid *John* to require and have of the ſaid *Richard* the aforeſaid 18. pounds: Yet he the ſaid *Richard*, although he was often required the ſaid 18. pounds, to the ſaid *John* hath not yet rendered, but hitherto to render to

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the ſame to him hath denyed, and yet doth deny; Whereupon he ſaith he is the worſe, and hath damage to the value of 20. pounds. And thereof he bringeth Sute, &c. And the ſaid *Richard Barnard*, by *John Cook* his Attorny, comes and doth defend the force and injury when, &c. And ſaith, That the aforeſaid *John Wiſeman*, his Action aforeſaid againſt him ought not to have, becauſe he ſaith, That well and true it is, That the aforeſaid *Thomas Wiſeman*, the Father was ſeiſed of the Iſland aforeſaid, in his Demeſn as of Fee, And that the ſaid *Thomas* demiſed unto the ſaid *Richard Barnard* the Moiety of the Iſland aforeſaid with the Appurtenances, And that the ſaid *Thomas Wiſeman* the Father, by his aforeſaid Teſtament and laſt Will, willed and bequeathed to the aboveſaid *Thomas Wiſeman*, the Son the aforeſaid Reverſion, of the ſaid aforeſaid one Moiety of the ſaid Iſland aforeſaid, and the other Moiety of the ſaid Iſland in form aforeſaid, And that the ſaid *Thomas Wiſeman* the Son, By virtue of the bequeſt aforeſaid, was ſeiſed of the one Moiety of the Iſland aforeſaid, in his Demeſn as of Fee tail, and of the Reverſion of the other Moiety thereof in Demeſn as of Fee tail and Right, that is to ſay, to him and the heirs males of his Body lawfully begotten, as the aforeſaid *John Wiſeman* by his Declaration aforeſaid above ſuppoſeth: But the ſaid *Richard Barnard* further ſaith, That the ſaid *Thomas Wiſeman* the Son, of the one Moiety of the Iſland aforeſaid, and of the Reverſion of the other Moiety in form aforeſaid being ſeiſed, One *John Godfrey* the 9th. day of *June*, in the yeer of the Reign of the ſaid Lady the Queen that now is, the 26th. ſued forth out of the Court of the *Chancery*, of the ſaid Lady the Queen that now is, in the ſaid Court of *Chancery* at *Weſtminſter* aforeſaid, then being, a certain writ of the ſaid Lady the Queen, of Entry upon Diſſeiſin in the Poſt againſt the ſaid *Thomas Wiſeman*, by the name of *Thomas VViſeman Gent.* of the Iſland aforeſaid with the Appurtenances, amongſt other things, to the Sheriff of the County of *Eſſex* directed, by which Writ, the ſaid Lady the Queen that now is, then commanded the ſaid Sheriff, that the ſaid Sheriff ſhould command the ſaid *Thomas VViſeman* the Son, that truly and without delay, he ſhould render to the ſaid *John Godfrey* the Iſland aforeſaid, with the Appurtenances, amongſt other things, by the name of the Mannor of *Mockinghall*, with the Appurtenances, and 22. Meſſuages, 3. Dove-houſes, 23. Gardens, 430. Acres of Land, 162. Acres of Meadow, 460. Acres of Paſture, 22. Acres of Wood, 110. Acres of Furrs and Heath, 400. Acres of Marſh, as of 50. ſhillings of Rent, with the Appurtenances in *Barlinge* the great, *Stanbrigge* great, *Wakeringe*, little *Wakeringe*, *Leigh*, *Shopland*, *Rochford*, *Prttlewell*, *Benfleet*, *Foulnes*, *Althorpe*, *Thunderſley*, *Hadley*, Great *Baddowe*, Great *Totham*, and *Gouldhanger*, which he claimed to be his Right and his inheritance, And into which the ſaid *Thomas Wiſeman*, then had not entry, but after the Diſſeiſin, wch *Hugh Hunt* unjuſtly, & without Judgement, did to the ſaid *John Godfrey*, within 30. yeers then laſt paſt, as he then ſaid, And whereof he then Complained, That the ſaid *Thomas VViſeman* the Son, him then did deforce, And unleſſe he ſhould do it, and the aforeſaid *John Godfrey* ſhould then make the ſaid Sheriff ſecure his clamour to proſecute, then he ſummon by good ſummons the aforeſaid *Thomas Wiſeman* the Son, that he be before the Juſtices of the ſaid Lady the Queen here at *Weſtminſter* aforeſaid, from

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the day of *Holy Trinity*, in 15. dayes then next following, to ſhew wholly he did not, *&c.* And that the ſaid Sheriff ſhould have here the ſummons, and the ſaid Writ: At which 15. dayes of *Holy Trinity*, before *Edmond Anderſon* Kt. and his Companions then Juſtices of the ſaid Lady the Queen that now is of the Bench, here come as well the ſaid *John Godfrey*, as the ſaid *Thomas VViſeman* the Son, in their proper perſons, And *Thomas Lucas* Kt. then Sheriff of the County of *Eſſex* aforeſaid, returned then here the Writ aforeſaid, to him in form aforeſaid directed, in all things ſerved and executed, That is to ſay, That the ſaid *John Godfrey* found to the ſaid Sheriff pledges to proſecute his Writ aforeſaid, that is to ſay, *John Doo*, and *Richard Roo*, And that the ſaid *Thomas VViſeman* the Son, was ſummoned by *John Den*, and *Richard Fen*: Whereupon the ſaid *John Godfrey*, in his proper perſon in the ſaid Court, here declaring upon his Writ aforeſaid, then demanded againſt the ſaid *Thomas VViſeman* the Son, the Mannors, Tenements, and Rents aforeſaid, with the Appurtenances as his right and his inheritance; And into which the ſaid *Thomas* had not entry, but after Diſſeiſin, which *Hugh Hunt* thereof unjuſtly, and without Judgement did to the ſaid *John*, within 30. years then laſt paſt, And whereupon then he ſaid, That he himſelf was ſeiſed of the Mannors, Tenements, and Rent aforeſaid, with the Appurtenances as of Fee and Right, in the time of Peace, in the time of the Lady the Queen that now is, taking the Profits to the value, *&c.* And into wch *&c.* And thereupon he then brought Sute, *&c.* And the ſaid *Thomas VViſeman* the Son, in his proper perſon then did defend his Right when, *&c.* And thereof vouched to Warranty *David Howel*, who then was preſent in Court in his own perſon, and freely the Mannor, Tenements, and Rents aforeſaid, with the Appurtenances to him did then warrant, upon which the ſaid *John Godfrey* then demanded againſt the ſaid *David*, then Tenant by his Warranty, the Mannor, Tenements, and Rents aforeſaid, with the Appurtenances in form aforeſaid, *&c.* And whereupon he then ſaid, That he himſelf was ſeiſed of the Mannor, Tenements and Rents aforeſaid, with the Appurtenances in his Demeſn as of Fee and Right in time of peace, in the time of the Lady the Queen that now is, taking the Profits to the value, *&c.* and in which, *&c.* and thereupon he brought his Sute, *&c.* And the ſaid *David Howel*, Tenant by his Warranty, then defended his Right when, *&c.* And then ſaid, That the aforeſaid *Hugh* did not diſſeiſe the ſaid *John Godfrey*, of the Mannor, Tenements, and Rents aforeſaid, with the Appurtenances, as the ſaid *John* by his Writ and Declaration aforeſaid above ſuppoſed; And upon that then put themſelves upon the Country: And the ſaid *John Godfrey*, then demanded licenſe thereof to imparle. And he then had it, *&c.* And the ſaid *John* returned back unto the ſame Court, in the ſaid Term in his proper perſon. And the ſaid *David*, although ſolemnly demanded then came not again, but in contempt of the ſaid Court, departed and made default; Wherefore it was granted in the ſame Court, That the ſaid *John Godfrey*, ſhould recover his ſeiſin againſt the ſaid *Thomas Wiſeman* the Son, of the Mannor, Tenements, and Rent aforeſaid with the Appurtenances; and that the ſaid *Thomas* ſhould have of the Land of the ſaid *David* to the value, *&c.* And that the ſaid *David* ſhould then be in mercy, *&c.* And thereupon the aforeſaid *John Godfrey*, then demand the Writ of the ſaid Lady the Queen, to the ſaid Sheriff of the County

aforeſaid to be directed, to gve him full ſeiſin of the Mannors, Tenements, and Rent aforeſaid, with the appurtenances, And which was to him then granted retornable here without delay, *&c.* And afterwards that is to ſay, The 8th. day of *July*, the ſelf ſame Term came unto the ſaid Court, the aforeſaid *Iohn Godfrey* in his proper perſon; And the ſaid *Thomas Lucas* then Sheriff of the County of *Eſſex*, then here ſent, That he by virtue of the ſaid Writ to him directed, The 4th. day of *July*, then laſt paſt, delivered to the ſaid *I. Godfrey* full ſeiſin of the Mānor, Tenements & Rents aforeſaid, with the appurtenances, as by the ſaid Writ he was cōmanded; Which Recovery and Execution thereupon in form aforeſaid proſecuted and had, was to the uſe of the ſaid *Thomas Wiſeman* the Son, and his Heires for ever. By virtue of which, and of the ſaid Statute in Parliament, of the ſaid *Henry* late King of *England* the 8th. at *Weſtminſter* aforeſaid, the 4th. day of *February*, in the year of his Reign the 27th. of tranſferring of uſes into poſſeſſions held, publiſhed, and provided, The ſaid *Thomas VViſeman* the Son, was ſeiſed of the ſaid Reverſion of one Moyety of the Iſland aforeſaid, with the appurtenances amongſt other things, in his Demeſn as of Fee and Right, and ſo being thereof ſeized, at great *Totham* aforeſaid, dyed of ſuch his eſtate ſo thereof ſeiſed, after whoſe death, The aforeſaid Reverſion of the one Moyety of Iſland aforeſaid with the appurtenances, amongſt other things to *Elizabeth*, now the Wife of *Richard Jeunins*, and *Dorathy VViſeman*, as Siſters and Heires of the ſaid *Thomas VViſeman* the Son, which *Elizabeth* and *Dorathy* are yet above and in full life, that is to ſay, at great *Totham* aforeſaid, and this he is ready to aver, whereupon he demandeth Judgement, If the ſaid *Iohn VViſeman* his Action aforeſaid, againſt him ought to have, *&c.* And upon this, The ſaid *Iohn VViſeman* prayeth licenſe to imparle here until the next day after the *Holy Trinity*, and hath it, *&c.* And the ſame day is given to the ſaid *Richard* here, *&c.* And the ſaid *Iohn VViſeman* ſaith, That he by any thing before alleged, to have his Action aforeſaid ought not to to be barred, becauſe he ſaith, That long before the Recovery aforeſaid, of the Tenments aforeſaid, with the appurtenances in form aforeſaid had, By a certain Act of Parliament of the Lord *Henry* late King of *England*, the 8th. the moſt Dear Father of the Lady the Queen that now is at *VVeſtminſter*, in the County of *Middleſex*, the 22 d. day of *Ianuary*, in the year of his Reign the 34th. begun and there then holden, and afterwards by divers progations continued untill the 12th. day of *May*, in the year of the Reign of the ſaid late King *Henry* the 8th. the 35th. held, amongſt other Kings. It was enacted by authority of the ſaid Parliament, That whereas divers of the Noble Progenitors of the ſaid late King *Henry* the 8th. and eſpecially the ſaid late King chiefly liberally above all others had given, granted, or otherwiſe had provided to his and their loving and good Servants & Subjects, as well Nobles as others, Mannors, Meaſes, Lands, Tenements, Rents, Services, and Hereditaments, to them and to their Heirs males of their bodies, or to the Heirs of their bodies lawfully begotten, minding at the time of ſuch gifts, not only to prefer & advance preſently the donees, but alſo their Heirs in blood of their bodies according to the limitatiō of the ſaid gifts, to the intent that the Recōpence for the ſervice of ſuch donees, ſhould not only be a benefit for their own perſons, but a continual profit and commodity to and for their Heirs coming of their bodies, whereby ſuch Heirs ſhould have in ſpecial memory, and daily

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remembrance the profit that they have and take by the ſervice of their Anceſtors, done to the Kings of this Realm of *England*, and thereby be the better incouraged to do the like ſervice to their Sovereign Lords, as to their duty and Allegiance appertaineth; And becauſe divers ſuch Donees in tail, and their Heirs daily before the making of the Act aforeſaid, have ſuffered by their aſſent falſe and feigned Recoveries to be had againſt them, with common Voucher, or otherwiſe, of Mannors, Meſſuages, Lands, Tenements, or Hereditaments, ſo given or provided in tail, by the aforeſaid Lord the King, or his Noble Progenitors as is aforeſaid, to the intent by fraud, loin, and undue meanes, not only to binde and defraud their Heirs inheritable, by the limitation of ſuch gifts, but alſo the ſaid Lord the King of his prerogative, Wardſhip, primer ſeiſin, and other his rights, whereby Queſtions, and diverſity of opinions have riſen, and yet be, Whether ſuch falſe and feigned Recoveries againſt ſuch Tenants in tail by their own conſents, of Lands, Tenements, or Hereditaments, of which the Reverſion or the Remainder were in the King at the time, of ſuch Recovery or Recoveries had, ſhould after the death of Tenant in tail, binde the Heirs in tail or not, For full Declaration thereof, and to avoid and extinct from hence-forth diverſities of opinions in the like Caſes. It was enacted by the ſaid Act, That no ſuch feigned recovery from henceforth after to be had, by aſſent of parties againſt ſuch Tenant or Tenants in tail, of any Lands, Tenements, or Hereditaments, whereof the reverſion or remainder at the time of ſuch recovery, ſhould be in the Lord the King, ſhould binde or conclude the Heirs in tail, whether any Condition or Voucher ſhould be, in any ſuch feigned recovery or not, but that after the death of every ſuch Tenant in tail againſt whom any ſuch recovery ſhould be had, the Heirs in tail might enter, have, and injoy, the Lands, Tenements, and Hereditaments, ſo recovered according to the form of the gift in tail, the ſaid Recovery or any other thing or things hereafter to be had and ſuffered, by or againſt any ſuch Tenant in tail to the contrary notwithſtanding. And further by the ſaid Act, by authority of the ſaid Parliament, It was enacted, That the Heirs of every ſuch Tenant in tail againſt whom any ſuch feigned Recovery ſhould be had, ſhould take no advantage for any Recompence in value againſt the Vouchee nor his Heirs, as by the ſaid Act amongſt other things, more fully it appeareth: And the ſaid *Iohn* further ſaith, That the ſaid *Thomas* ſo of the aforeſaid one Moyety of the Iſland aforeſaid, and of the Reverſion of the other Moyety thereof in form aforeſaid being ſeiſed, The Recovery aforeſaid, in form aforeſaid, by the ſaid *Iohn Godfrey*, againſt the beforeſaid *Thomas Wiſeman* the Son, was had and executed contrary to the form of the Statute aforeſaid, and this he is ready to aver; Wherefore he demands Judgement and his Debt aforeſaid, together with his Damages by occaſion of the detaining of the ſaid Debt to be ajudged unto him, *&c.* And the ſaid *Richard Barnerd* ſaith, That the aforeſaid Plea of the aforeſaid *Iohn Wiſeman*, above by Replication pleaded, and the matter in the ſame conteined, are not ſufficient in Law to maintain the ſaid *Iohn* to have his aforeſaid Action gainſt the ſaid *Richard*, and that he unto the Plea aforeſaid, in manner and form aforeſaid, pleaded, needeth not to anſwer by the Law of the Land. And this he is ready to aver, wherefore for de-

fault of ſufficient Replication of the ſaid *Iohn* in this part, The ſaid *Richard* demandeth Judgement, and that the ſaid *John* from having his Action aforeſaid againſt him be Barred, *&c.* And the ſaid *John Wiſeman* for as much as he ſufficient matter to have his Action againſt the ſaid *Richard* by the Replication aforeſaid hath alleged, which he is ready to aver, which matter the aforeſaid *Richard* doth not deny, nor to the ſame doth any wayes anſwer, but doth altogether refuſe to admit the averment aforeſaid, As before he demandeth Judgement and his debt aforeſaid, together with his damages for the deteining of his debt to be adjudged unto him, *&c.* And becauſe the Juſtices here will adviſe of, and upon the premiſes before they give Judgement thereof, day is given to the parties aforeſaid here in 8bis. of Saint *Michael*, to hear their Judgement, becauſe the Juſtices here are not yet, *&c.* at which day here come as well the ſaid *John Wiſeman*, as the ſaid *Richard Barnard* by their Attorneys aforeſaid, upon which the Plea of the ſaid *John VViſeman* upon the Replication pleaded being ſeen, and by the Juſtices here fully underſtood. It ſeemeth to the Juſtices here, that the ſaid Plea, and the matter in the ſame conteined, are not ſufficient in Law for the ſaid *John* to have and maintain his Action aforeſaid againſt the ſaid *Richard*, Therefore, it is granted, That the ſaid *John* take nothing by his Writ aforeſaid, but that he be in mercy for his falſe clamour: And that the ſaid *Richard* go thereof without day, *&c.*

Debt.

Hillary Term, 34. Eliz. *in the Kings Bench*, Rott. 169. *Weſtbies* Caſe, *Co.* 3. part.

Lond. ſſ. MEmorandum, that at another time, that is to ſay, the Term of Saint *Michael* laſt paſt, before the Lady and Queen at *Weſtminſter*, came *Titus VVeſtby* by *Thomas Cooke* his Attorney, and brought here in the Court of the ſaid Lady the Queen then here his Bill againſt *Thomas Skinner*, and *John Catcher* late Sheriffs of *London*, in the Cuſtody of the Marſhal, *&c.* of a Plea of Debt. And are Pledges of Sute, *John Doo*, and *Richard Roo*: Which Bill followeth in theſe words, ſſ. *London*, ſſ. *Titus VVeſtby* complaineth of *Thomas Skinner*, and *Iohn Catcher* late Sheriffs of *London*, in the Cuſtody of the Marſhal of the *Marſhalſey* of the Lady the Queen, before the Queen her ſelf being, of a Plea, that they render to him 440. pound of lawful Money of *England*, which they owe him, and unjuſtly do detein, for that, That is to ſay, That whereas one *Thomas Smith* Gent: *Edward VVinter* Gent. *Anthony Baſtard* Gent. by the names of *Thomas Smith*, of *Camden*, in the County of *Gloceſter* Gent. Of *Edward VVinter* of *VVorthington*, in the County of *Leiceſter* Cent. and *Anthony Baſtard* of *Alderbury*, in the County of *Oxford* Gent. the 20th. day of *Ianuary*, in the year of the Reign of the Lady the Queen that now is, the 29 th. day at *VVeſtminſter*, in the County of *Middleſex*, before *Chriſtopher VVray* Knight, then Chief

Chief Juſtice of the ſaid Lady the Queen of Pleas, before the ſaid Queen holden Aſſigned, by their certain writing Obligatory, Sealed with their Seals, had granted themſelves to be bounden, and did acknowledge themſelves to owe to the aforeſaid *Titus*, by the name of *Titus VVeſtbie*, Citizen & Merchant Taylor of *London*, or to his certain Attorny, ſhewing the ſaid writing his Heirs, or Executors, in the feaſt of the *Annunciation* of the bleſſed *Mary* the Virgin then next following, and if they ſhould make default in the payment of the debt aforeſaid, Then the ſaid *Thomas Smith*, *Edward VVinter*, and *Anthony Baſtard*, they willed, and granted, that then there ſhould run upon the ſaid *Thomas*, *Edward*, and *Anthony*, and every of them their Heirs and Executors, the penalty in the Statute ſtaple of debts for Merchandizes in the ſame bought to be recovered, ordained, and provided; and whereas alſo the ſaid *Thomas*, *Edward*, and *Anthony*, the ſaid 440. pound by them, in the form aforeſaid acknowledged in the Feaſt aforeſaid, to the aforeſaid *Titus* had not payed, nor any of them had paid, By which afterwards, that is to ſay, the Eleventh day of *April*, in the year of the Reign of the ſaid Queen that now is, the 30th. One *John Chomley* Eſquir, the Clark of then ſaid Lady the Queen that now is, the Recogniſance for debts, to be recovered according to the form of the Satute in the like caſe provided deputed by his writing, Sealed with his Seal, the Recogniſance aforeſaid, in the *Chancery* of the ſaid Queen that now is at *VVeſtminſter* aforeſaid then being, at the requeſt of the ſaid *Titus* did Certifie, And the ſaid *Titus* thereupon afterwards, that is to ſay, the 31th. day of *Auguſt*, in the year of the Reign of the ſaid Lady the Queen that now is, the 30th. aforeſaid, ſued forth out of the ſaid Court of *Chancery* at *VVeſtminſter* aforeſaid then being, a certain Writ of the ſaid Lady the Queen, to the then Sheriffs of *London* directed, By which Writ reciting, Becauſe the aforeſaid *Thomas Smith*, *Edward VVinter*, and *Anthony Baſtard*, the 20th. day of *January*, in the year of the Reign of the ſaid Lady the Queen that now is, the 29th. before *Chriſtopher VVray* Knight, Chief Juſtice of the ſaid Lady the Queen, of Pleas before the ſaid Queen to be holden aſſigned, did acknowledge themſelves, to owe to the aboveſaid *Titus* 440. pound, which he the ſame *Titus*, they ought to have paid, in the Feaſt of the *Annunciation* of the bleſſed *Mary* the Virgin then next following, and the ſame day of iſſuing out of this Writ had not payed, nor any of them then had paid as was ſaid, The ſaid Lady the Queen by the ſaid Writ, the then Sheriffs of *London* commanded, That the bodies of the ſaid *Thomas Smith*, *Edward VVinter*, and *Anthony Baſtard*, if they were Laymen, to take, and in the priſon of the ſaid Lady the Queen that now is, untill the ſaid *Thomas VVeſtbie* of the debt aforeſaid, of the debt aforeſaid ſafely to be kept, and all the Lands and Chattels of the ſaid *Thomas*, *Edward*, and *Anthony* in the Bailywick of the ſaid Sheriffs, by the Oaths of honeſt and lawful men of their Bailywick, they ſhould diligently extend and apprize, and ſeize into the Lands of the ſaid Lady the Queen, that the ſame to the beforeſaid *Titus*, untill to him of his debt aforeſaid, he ſhould be fully ſatisfied, they ſhould make delivery, according to the form of the Statute at *VVeſtminſter*, for the like debts to be recovered thereof made & unprovided, and how the ſaid Sheriffs aforeſaid ſhould execute the ſame they ſhould make known to the ſaid Lady the Queen in her *Chancery*, in 15. dayes of Saint *Martin* then next coming whereſoever it

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ſhould then be by their Letters Sealed, and that they ſhould have there the ſaid Writ, which ſaid Writ the ſaid *Thomas Weſtbie* afterwards, and before the ſaid 15. day of Saint *Martin*, that is to ſay, the 8th. day of *September*, in the year of the Reign of the ſaid Lady the Queen that now is, the 30th. aforeſaid at *London*, that is to ſay, in the Pariſh of *Chriſt-Church*, in the Ward of *Farrington* within delivered, to the ſaid *Thomas Skinner*, and *John Catcher* then being Sheriffs of *London* in form of Law to be executed: And the ſaid *Titus* further ſaith, That the ſaid *Anthony Baſtard* at the ſame time of the delivery of the ſaid Writ to the ſaid *Thomas Skinner*, and *John Catcher* as before is ſaid made, was a Layman, and yet is a Layman, And that by virtue of the ſaid Writ after and before the Return thereof, that is to ſay, The ſaid 8th. day of *September*, in the year of the Reign of the ſaid Lady the Queen that now is, the 30th. aforeſaid, the aforeſaid *Thomas Skinner*, and *John Catcher* then being Sheriffs of *London*, the aforeſaid *Anthony Baſtard* at *London*, in the Pariſh and Ward aforeſaid, by virtue of the Writ aforeſaid took and arreſted, and the ſaid *Anthony* in Execution for the ſaid aforeſaid 440. pound, then and there had according to the exigencie of the ſaid Writ; and the ſaid *Anthony*, under the Cuſtody of the ſaid *Thomas Skinner*, and *John Catcher* Sheriffs, in execution in the form aforeſaid being, The ſaid *Thomas Skinner*, and *John Catcher* Sheriffs, The ſaid *Anthony Baſtard*, afterwards, that is to ſay, the 20th. day of *October*, in the 30th. year aforeſaid at *London*, in the Pariſh and Ward aforeſaid from the Cuſtody of the ſaid *Thomas Skinner*, and *John Catcher* Sheriffs at large, where he would go did ſuffer, the ſaid *Titus* of the aforeſaid 440. pound, not being ſatisfied, Be which Action acrued to the ſaid *Titus*, to require and have of the ſaid *Thomas Skinner*, and *John Catcher* the aforeſaid 440. pound for his debt aforeſaid, by the ſaid *Anthony* in form aforeſaid acknowledged; yet the ſaid *Thomas Skinner*, and *John Catcher*, although often requeſted, *&c.* the aforeſaid 440. pound to the ſaid *Titus* have not yet rendred, but have hitherto denyed to render the ſame unto him, and do yet deny ſo to do, Whereupon the ſaid *Titus*, ſaith that he is the worſe, and hath Damage to the value of 400. pounds, and thereof he bringeth his Sute, *&c.* And now at this day, that is to ſay, *Monday* next after 8th. of St. *Hillary*, the ſelf ſame Term, until which day, the ſaid *Thomas Skinner*, and *John Catcher*, had licenſe to imparle to the ſaid Bill, and then to anſwer, *&c.* before the Lady the Queen at *Weſtminſter*, come as well the ſaid *Titus Weſtbie*, by his Attorny aforeſaid, as the ſaid *Thomas Skinner*, and *John Catcher*, by *Chriſtopher Ruſt* their Attorny; And the ſaid *Thomas Skinner*, and *John Catcher* defend the force and injury when, *&c.* And ſay, That they do not owe to the aforeſaid *Titus* the aforeſaid 440. pounds, or any penny thereof in manner and form, as the ſaid *Titus* above againſt them delareth: And of this they put themſelves upon the Country; And the ſaid *Titus* likewiſe, *&c.* Therefore a Jury came before the Lady the Queen at *Weſtminſter*, upon *Saturday* next after 15. dayes of *Eaſter*. And who neither, *&c.* To Recognize, *&c.* Becauſe as well, *&c.* The ſame day is given to the parties aforeſaid here, *&c.* Afterwards the proceeding thereof was continued between the parties aforeſaid, of the plea aforeſaid, by Jurors put thereof between them in Reſpite, before the Lady the Queen at *Weſtminſter*, untill *Monday* next after three Weekes of *Holy Trinity* then next following,

Unleſs

Unleſſe the Beloved and Faithful of the ſaid Lady the Queen, *John Popham* Kt. Chief Juſtice of the Lady of Pleas, in the Court of the ſaid Lady the Queen to be holden aſſigned, firſt, upon *Saturday* next after 15. dayes of *Holy Trinity*, at *Guildhall London*, by form of the Statute, *&c.* cometh for default of Jurors, *&c.* At which *Monday* next after three Weekes of *Holy Trinity* before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, and the beforeſaid Chief Juſtice before whom, *&c.* ſent here his record before him had in theſe words, That is to ſay; Afterwards the day and place within contained, before *John Popham* Kt. Chief Juſtice, within written aſſociating to him *Thomas Povey*, by the form of the Statute, *&c.* came as well the within named *Titus Weſtbie*, as the within written *Thomas Skinner*, and *John Catcher* by their Attornies within contained, and the Jurors ſworn, whereof within is made mention, ſome of them came, and ſome of them did not come, as it appeareth in the Pannel, and ſome of the ſaid Jurors now appeared, that is to ſay, *John Sly*, *Thomas Worſhip*, *Arthur Parkins*, *William Tegoe*, & *John Wiggenton*, appeared, and were ſworn in the Jury aforeſaid, and becauſe that the reſt of the Jurors of the ſaid Jury did not appear. Therefore others of the Standers by, choſen by the Sheriffs of *London*, at the requeſt of the ſaid *Titus Weſtbie*, and by the command of the Chief Juſtice aforeſaid were new put, whoſe names are fyled to the Pannel within written, according to the form of the Statute in that caſe made and provided, Which Jurors ſo anew put appeared, that is to ſay, *John Patſon*, *George Clarke*, *Alexander Sharp*, *Edward Flory*, *Thomas Chapman*, *Emanuel Trambel*, and *Henry Field* appeared, who being ſworn to the Truth of the matters, which is contained with the other Jurors, choſen, tryed, and ſworn, ſay upon their Oath, That the within written *Thomas Smith*, *Edward Winter*, and *Anthony Baſtard*, the within written 21th. day of *Ianuary*, the 29th. year within written, at *Weſtminſter*, in the County of *Middleſex*, within written before the within named *Chriſtopher Wray* Kt. then chief Juſtice of the Lady within written of Pleas, before the Queen holden aſſigned, by their writing Obligatory within written, ſealed with their Seales, granted themſelves to be bounden and acknowledged that they did owe to the aforeſaid *Titus* the within written 440. pounds, To be paid to the ſame *Titus* or his certain Attorney, ſhewing that writing, their Heirs, or Executors, in the within written Feaſt of the *Annunciation* of the bleſſed *Mary* the Virgin then next following, and if they ſhould make default in payment of the ſaid Debt, That then the ſaid *Thomas Smith*, *Edward Winter*, and *Anthony Baſtard*, willed and granted that then ſhould run upon them the ſaid *Thomas*, *Edward*, and *Anthony*, and every of them, their Heirs and Executors, the penalty in the Statute of Debts for Merchandizes in the ſame bought to be recovered, ordained, or provided, in manner and form, as the ſaid *Titus* likewiſe within againſt them declared; And that the ſaid Statute by the ſaid *Thomas*, ſueth *Edward Winter*, and *Anthony Buſtard* in form aforeſaid acknowledged, Afterwards, that is to ſay, the within written 11th. day of *April*, in the year of the Reign of the ſaid Lady the Queen that now is, the 30th. within written, by the within named *John Chomley*, *Eſq.* then Clark of the ſaid Lady the Queen that now is of Recognizances of Debts to be recovered, according to the form of the Statute in the like caſe provided, deputed,

puted, by his Writing within written, ſealed with his ſeal, into the *Chancery* of the ſaid Lady the Queen within written, it was certified in manner and form, as the ſaid *Titus* within likewiſe, againſt the ſaid *Thomas Skinner*, & *John Catcher* alledged: And that thereupon the ſaid *Titus* afterwards, that is to ſay, the within written, the 31th. day of *Auguſt* the 30th. year within written, ſued forth out of the ſaid Court of *Chancery*, within written, the Writ aforeſaid within ſpecified, of the ſaid Lady the Queen that now is, to the Sheriffs of *London* directed, By which Writ, the ſaid Lady the Queen that now is, then commanded the Sheriffs of *Lond.* That the bodies of the within named *Thomas Smith*, *Edward Winter*, and *Anthony Baſtard*, if they were Laymen, to be taken, and in the Priſon of the ſaid Lady the Queen, until the ſaid *Titus Weſtbie* of the Debt aforeſaid, fully ſatisfied, they ſhould cauſe ſafely to be kept, And all the Lands and Chattels of the ſaid *Thomas*, *Edward*, and *Anthony*, in the Balywick of of the ſaid Sheriffs, by the oath of honeſt and lawful men of their ſaid Balywick, by whom the truth of the matter may beſt be known, according to the true value thereof, they diligently cauſe to be extended and apprized, and into the hands of the ſaid Lady the Queen, they make to be ſeiſed, that the ſame to the aforeſaid *Titus*, until he ſhould be fully ſatisfied of the Debt aforeſaid, they might be delivered according to the form of the Statute at *Weſtminſter* for the like Debts to be recovered, thereof made and provided; And how the ſaid Sheriffs have executed the ſaid Command, that they make known to the ſaid Lady the Queen in the *Chancery*, within 15. dayes of St. *Martin* then next, whereſoever it ſhould then be by their Letters ſealed, and that they ſhould have here that Writ which ſaid Writ, the ſaid Jurors ſay upon their Oath aforeſaid, That the ſaid *Titus Weſtbie*, afterwards, that is to ſay, the within written 8th. day of *September*, in the 30th. year aforeſaid, at *London* aforeſaid, that is to ſay, in the within written Pariſh of *Chriſt Church*, in the Ward of *Farrington* within, delivered to the ſaid *Thomas Skinner*, and *John Catcher*, then being Sheriffs of *London* in form of Law, to be executed in manner and form, as the aforeſaid *Titus* within likewiſe againſt them declared: And further the Jurors aforeſaid ſay upon their oath aforeſaid, That the ſaid *Anthony Baſtard* then, that is to ſay, the aforeſaid 8th. day of *September*, in the 30th. year aforeſaid, was in the Goale of the ſaid Lady the Queen that now is of *Newgate*, under the Cuſtody of the ſaid *Tho. Skinner*, and *J. Catcher*, then Sheriffs of *London* aforeſaid, in Execution at the ſute of one *Robert Dighton*, for the Debt of 240. pounds, and the ſaid *Anthony Baſtard* ſo there in Execution being, The ſaid *Thomas Skinner*, and *John Catcher*, then being Sheriffs of *London* within written, the 8th. day of *September*, the 30th. year aforeſaid, by virtue of the Writ aforeſaid, at *London* aforeſaid, took and arreſted the within named *Anthony Baſtard*, in manner and form as the ſaid *Titus* within likewiſe, againſt the ſaid *Thomas Skinner*, and *John Catcher* declared; And that the ſaid *Anthony Baſtard* ſo taken and arreſted, under the cuſtody of the ſaid *Thomas Skinner*, and *John Cacther*, then Sheriffs of *London* aforeſaid, in form aforeſaid being, The ſaid then Sheriffs of *London*, the ſaid *Anthony Baſtard*, in Execution for the aforeſaid 440. pounds, then and there had, according to the Command of the ſaid Writ: And moreover, the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the

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ſaid *Anthony Baſtard*, ſo in cuſtody of the ſaid *Thomas Skinner*, and *John Catcher*, for the aforeſaid 440. pounds, for the aforeſaid other Debt of 240. pounds, to the ſaid *Robert Dighton*, in form aforeſaid being, The ſaid *Thomas Skinner*, and *John Catcher*, afterwards, that is to ſay, the within written 20th. day of *October*, in the 30th. year aforeſaid, in the going out of their Office aforeſaid, the ſaid *Anthony Baſtard*, by Indenture delivered to *Hugh Offley*, and *Richard Saltonſtall*, in Execution for the aforeſaid Debt of the ſaid *Robert Dighton*, without any other mention of the ſaid Execution of 440. pounds, made to the aforeſaid *Hugh Offley*, and *Richard Saltonſtall*, or to any of them given or notified. And further, the ſaid Jurors ſay upon their Oath aforeſaid, That then, That is to ſay, The 20th. day of *October*, in the 30th. year aforeſaid, The ſaid *Thomas Skinner*, and *Iohn Catcher*, from their Office aforeſaid were diſcharged. And further, the ſaid Jurors ſay upon their Oath aforeſaid, That after that the ſaid *Thomas Skinner*, and *Iohn Catcher*, from their Office aforeſaid, in form aforeſaid, were diſcharged, That the ſaid *Anthony Baſtard*, without payment of any of the aforeſaid Debts, in the Cuſtody of the aforeſaid *Hugh Offley*, and *Richard Saltonſtall*, in form aforeſaid, being for the ſaid 240. pounds, the ſaid *Hugh Offley*, and *Richard Saltonſtall*, the ſaid *Anthony Baſtard* having none, nor any of them ever having any Notice to them or either of them given of the ſaid Execution of the aforeſaid 440. pounds, at *London* aforeſaid, out of the Priſon aforeſaid, ſuffered to go at large where he would; But whether upon the whole matter aforeſaid, in form aforeſaid found, The ſaid *Thomas Skinner* and *John Catcher*, ought to be charged for the aforeſaid ſaid Debt of 440. pounds in Law, or not, the Jurors aforeſaid are altogether ignorant. And they pray the Advice of the Court of the ſaid Lady the Queen, before the Queen her ſelf being. And if it ſhall ſeem to the ſaid Court, That the ſaid *Thomas Skinner*, and *Iohn Catcher*, ought not to be charged for the ſaid 440. pounds in Law, upon the whole matter above found, The ſaid Jurors ſay upon their Oath aforeſaid, That the ſaid *Thomas Skinner*, and *Iohn Cacther*, do owe to the ſaid *Titus Weſtbie*, the ſaid 440. pounds, in manner and form as the ſaid *Titus* within againſt them declared: And they do alſo aſſeſſe the damages of the ſaid *Titus Weſtbie*, by occaſion of detaining of the ſaid Debt, beſides his charges and coſts by him about his Sute in this part expended to 20. pounds, and for his charges and coſts to 53. ſhillings, and 4. pence. And if it ſhall ſeem to the Court aforeſaid, That the ſaid *Thomas Skinner*, and *John Catcher*, do not owe to the ſaid *Titus Weſtbie*, the ſaid 440. pounds, in manner and form, as the ſaid *Thomas Skinner*, and *John Catcher*, within pleading have alleged, *&c.* And becauſe the Court of the Lady the Queen that now is, here of their Judgement of and upon the premiſes to be given, are not yet aviſed; Day is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter*, until *Tueſday* next after 8. dayes of St. *Michael*, for to hear their Judgement thereof, *&c.* becauſe the Court of the Lady the Queen here thereof not yet, *&c.* Before which day, the Plaint aforeſaid was Adjorned, by the Writ of the Lady the Queen of Common Adjornment, before the Queen at *Weſtminſter*, until the day of St. *Michael* in a moneth; At which day, the Plaint aforeſaid, was further adjorned by another Writ of the Lady the Queen of Common Adjornment, before the Queen, until the next of *All Souls* then next following, at the

Caſtle of *Hartford*, in the County of *Hartford*. At which day, before the Lady the Queen, at the Caſtle of *Hartford*, came the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady here, of their giving of their Judgement of and upon the premiſes is not yet aviſed, Day is given to the parties aforeſaid, before the Lady the Queen, at the Caſtle of *Hartford* aforeſaid, untill *Tueſday* next after 8ᵗᵃᵉ of St. *Hillary*, to hear their Judgement thereof, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* And ſo from Term to Term until *Thurſday* next after 8. dayes of St. *Hillary*, to hear their Judgement, *&c.* cauſe the Court of the Lady the Queen here, *&c.* At which day before the Queen at *Weſtminſter*, came the parties aforeſaid by their Attornies aforeſaid, Upon which, Seen, and by the Court of the Lady the Queen, here all and ſingular the premiſes looked into and underſtood, and mature deliberation be thereof had, becauſe that it ſeemes to the Court of the Lady the Queen that now is here, That the ſaid *Tho. Skinner*, and *John Catcher*, ought to be charged for the ſaid 440. pound. It is granted, That the ſaid *Titus Weſtbie*, ſhall recover againſt the aforeſaid *Tho. Skinner*, & *John Catcher*, his debt aforeſaid & his damages aforeſaid by the Jurors aforeſaid, in form aforeſaid aſſeſſed, as alſo 10. pound, 13. ſhill. and 4. pence, for his charges and coſts aforeſaid, to the ſaid *Titus*, by the Court of the ſaid Lady the Queen here, with his aſſent of increaſe, adjudged, Which damages in the whole do amount to 33. pounds, 6. ſhillings, 8. pence, and the ſaid *Thomas Skinner*, and *John Catcher*, in mercy, *&c.* Afterwards, that is to ſay, Upon *Monday* the 10ᵗʰ. day of *February*, in the year of the Reign of the ſaid Lady the Queen that now is, the 37ᵗʰ. The Tranſcript of the Record, and proceedings between in the parties aforeſaid, with all things touching the ſame, by a certain Writ of the Lady the Queen of Errors correcting by the ſaid *Thomas Skinner*, and *John Catcher*, in the premiſes, was brought to the Juſtices of the Lady of the Queen of the Common Pleas, and the Barons of the *Exchequer*, of the Lady the Queen, In the Chamber of the *Exchequer* aforeſaid, according to the form of a Statute in the Parliament of the ſaid Lady the Queen at *Weſtminſter*, the 23ᵗʰ. day of *November*, in the year of her Reign the 27ᵗʰ. holden and made in the ſame Court of the ſaid Lady the Queen, here before the Queen her ſelf were ſent, The aforeſaid *Thomas Skinner*, and *John Catcher*, in the Court of the *Exchequer* aforeſaid, divers matters for Errors, in the Record and Proceedings aforeſaid, for the revoking and annulling of the Judgement aforeſaid aſſigned: To which the ſaid *Titus*, in the ſaid Court appearing pleaded, That neither in the Record, nor in the Proceedings aforeſaid, for the revoking and annulling of the Judgement aforeſaid, in any thing was there Error: After which, that is to ſay, *Monday* the 20ᵗʰ. day of *October*, in the year of the Reign of the Queen that now is, the 37ᵗʰ. the premiſes ſeen, And by the Court of the ſaid Lady the Queen there diligently examined and fully underſtood, as well the Record and proceedings aforeſaid, and the Judgement upon the ſame given, as the Cauſe aforeſaid, for Error by the ſaid *Thomas* and *John* above aſſigned and alleged, It ſeemed to the Court here, That the Record aforeſaid, was in nothing vitious or defective, and that in the Record aforeſaid, is Error in nothing, Therefore then and there in the ſame Court, it was granted, That the Judgement aforeſaid ſhould be affirmed in all things, and ſtand in all his force and effect, the ſaid

Cauſes

Cauſes for Error here aſſigned in any thing notwithſtanding. And further, It was granted, That the ſaid *Titus* ſhould reover againſt the ſaid *Thomas*, and *John*, 80. ſhilings, to the ſaid *Titus* by his Aſſent, by ſaid Court of the Lady the Queen there adjudged, according to the form of the Statute, late made and provided for his coſts and charges, which he had by reaſon of delay of the Execution of the Judgement aforeſaid, by Colour of proſecuting the ſaid Writ of Error, *&c.* And thereupon the Record aforeſaid, as alſo the proceedings thereupon before the Juſtices of the *Common Pleas*, and the Barons of the *Exchequer* aforeſaid, in the premiſes had before the Queen whereſoever, *&c.* by the Juſtices and Barons aforeſaid, were ſent back, according to the form of the Statute aforeſaid, *&c.* And in the ſame Court of the ſaid Lady, now here before the Queen, they remain, *&c.*

Ejectione Firme.

Mich. 30. & 31. *Eliz.* in the *Exchequer*, Sir *William Pethams* Caſe, *Co.* 1. part.

MEmorandum, That at another time, that is to ſay, in the Term of St. *Hillary*, in the year of the Reign of Queen *Elizabeth* that now is, the 30th. *Henry Page*, Debtor of the Lady the Queen that now is, before the Barons of the *Exchequer*, of the ſaid Lady the Queen at *Weſtminſter*, in the County of *Middleſex*, by *John Hawkeſworth* his Attorney, and brought then and there his Bill againſt *Edward Griffin*, of a plea of Treſpaſs, & Ejectment out of his Farm, The Tenor of which Bill followeth in theſe words: *ff. London ff. Henry Page* Debtor of the Lady *Elizabeth* the Queen that now is, cometh before the Barons of the *Exchequer*, the 27th day of *January*, this Term, by *John Hawkeſworth* his Attorny, and complaineth againſt *Edward Griffin* preſent here in Court, the ſame day by *Richard Hatton* his Attorny, of a Plea of Treſpaſſe and Ejectment of him out of his Farm, for that, *viz.* That whereas one *Thomas Bowes*, Mr. of Artes, the 10th. day of *January*, in the yeer of the ſaid Lady the Queen that now is, the 29th. at *London*, in the Pariſh of St. *Mary Wolnoth*, in the Ward of *Langborn London*, had demiſed, granted, and to farm letten, to the ſaid *Henry Page*, one Capital Meſſuage, then or late in the tenure or occupation of *Edward Griffin* of *London Haberdaſher*, ſituate lying and being in *Lomberſtreet*, in the Pariſh of St. *Mary Wolnoth*, in the Ward aforeſaid, within the City of *London*, commonly called and known by the name of the *White Lyon*, together with all Shops, Sellers, Chambers, Places, Eaſements, Advantages, Profits, and Commodities, with their appurtenances whatſoever, to the ſaid Meſſuage belonging, or in any wiſe appertaining, To have and to hold the ſaid Meſſuage, and all other the premiſes with their appurtenances, to the ſaid *Henry Page*, his Executors, Adminſtrators, and Aſſignes, from the Feaſt of the Birth of *Lond. ff.*

our Lord then laſt paſt, untill the end and Term of 6. years, from thence next and immediately following to be compleat and ended; By virtue of which Demiſe, the ſaid *Henry Page* into the Meſſuage aforeſaid with the appurtenances entred and was thereof Poſſeſſed, and ſo being thereof Poſſeſſed, The ſaid *Edward Griffin* afterwards, that is to ſay, the 11th. day of *January*, in the year of the Reign of the ſaid Lady the Queen that now is, the 29th. aforeſaid, with Force and Armes, *&c.* into the Meſſuage aforeſaid, which the ſaid *Thomas Bowes* to the ſaid *Henry* in form aforeſaid demiſed, for the Term aforeſaid which is not ended, entred, and the ſaid *Henry* from his Farm aforeſaid thereof (his Term aforeſaid not ended) did eject, expell, and amove, and other wrongs did unto him, to the great damage of the ſaid *Henry*, and againſt the peace of the ſaid Lady the Queen that now is, Whereupon the ſaid *Henry* ſaith, that he is the worſe, and hath damage to the value of 20. Marks: So as the leſs, the aforeſaid *Henry* cannot ſatisfie the Queen that now is, the Debts which to the ſaid Queen he oweth at her *Exchequer*, And thereupon he bringeth Sute, *&c.* Pledges of Sute, *John Doo*, and *Richard Roo*. And now this day, that is to ſay, in 8th. of St. *Michael*, this Term, that is to ſay, the 30th. year, Until which day, the ſaid *Edward Griffin* prayed licenſe to imparle, and then to anſwer, come here as well the ſaid *Henry Page*, as the ſaid *Edward Griffin* by their Attornies aforeſaid, and the ſaid *Henry* demandeth that the ſaid *Edward Griffin* anſwer him in the premiſes, *&c.* And upon this, The ſaid *Edward Griffin*, by his aforeſaid Attorny cometh and defendeth the force and injury when, *&c.* And ſaith, That he of the Treſpaſſe and Ejectment aforeſaid, is no way thereof guilty: And of that, he puts himſelf upon the Country, and the ſaid *Henry Page* likewiſe, Therefore it is commanded to the Sheriffs of *London*, that they make come here, from the day of St. *Michael*, in one Moneth 12. *&c.* of the Neighbourhood of the Pariſh of St. *Mary Wolnoth*, in the Ward of *Langborn*, within the City of *London*, whereof every one, *&c.* by whom, and who never, *&c.* And the ſame day is given to the parties aforeſaid here, *&c.* At which day, come the parties aforeſaid, by their Attornies aforeſaid, And the Sheriffs of *London*, That is to ſay, *Hugh Offley*, and *Richard Saltonſtall*, ſend here the Writ of *Venire Facias*, of the Jurors aforeſaid, with the Pannel of the names of the Jurors to the ſaid Writ annexed, and the ſaid Jurors being called, did not appear, Therefore it was commanded to the Sheriffs of *London*, that they deſtrein the Jurors aforeſaid, by their Lands, *&c.* So, *&c.* upon *Wedneſday* the 6th. of *November* next to come, Unleſs *Roger Manwood* Kt. Chief Baron of the *Exchequer*, of the ſaid Lady the Queen, upon *Tueſday* the 4th. day of *November* next following, at the *Guild-hall* of the City of *London*, by force of the Statute thereof provided, ſhall firſt come; So that inquiry thereof before the ſaid Chief Baron, then here diſtinctly and openly taken, be had here at the aforeſaid *Wedneſday*, And it is ſaid to the parties aforeſaid, that they be before the ſaid Chief Baron at the *Guild-hall* aforeſaid the ſaid *Tueſday*, and that they be here the ſaid *Wedneſday*, to hear Judgement upon the vredict of the inquiſition aforeſaid, if, *&c.* At which day come the ſaid Parties by their Attornies aforeſaid; And the ſaid Chief Baron delivered here the tenor of this Plea, together with the Writ of *Diſtringas*, of the Jurors aforeſaid, with the Pannel of the names of the Jurors, to the ſaid Writ annexed,

annexed, and to the ſaid Tenor fyled: Which Tenor is indorſed thus: Afterwards the day & place within contained, before *Roger Manwood*, Kt. Chief Baron of the *Exchequer*, of the Lady the Queen, aſſociating to him *Walter Morley*, Gent. by the form of the Statute, *&c.* came as well the within named *Henry Page*, as the within written *Edward Griffin* by their Attornies within mentioned. And the Jurors whereof mention is within made, being called, ſome of them, that is to ſay, *John Palmer*, *Thomas James*, *Thomas Thomas*, *George Maunſell*, *Thomas Bagnill*, and *Robert Bilborough*, and in Jury aforeſaid were ſworn, and becauſe that the reſt of the Jurors of the ſaid Jury did not appear, Therefore other of the ſtanders by, by the Sheriffs choſen at the requeſt of the ſaid *Henry Page*, by the Command of the ſaid Chief Baron, were anew put, whoſe names are fyled to the Pannel within written, according to the form of the Statute in the ſuch caſe made and provided, and the Jurors ſo anew choſen and put, that is to ſay *George Clarke*, *John Barnes*, *George Ganbie*, *Thomas Staubanke*, *William Sutton*, and *George Roberts*, being called, likewiſe came, who being together with the other Jurors aforeſaid, firſt impannelled, ſworn to ſay the truth of the premiſes within contained, choſen, tryed, and ſworn, ſay upon their Oath; That the City of *London* is an ancient City, and that all Lands, and Temenents, within the ſaid City are, and time whereof the memory of Men is not to the contrary, were deviſeable and bequeathable by Teſtament in Writing, And that long before the time within written, when it is ſuppoſed the Treſpaſſe and Ejectment to be done, That one *Martin Bowes*, Kt. was ſeiſed of the Meſſuage within mentioned, with the Appurtenances amongſt other things in his Demeſn as of Fee, and that the ſaid *Martin Bowes* had iſſue of his body lawfully Begotten, one *Thomas Bowes*, and that the ſaid *Thomas*, had iſſue of his body lawfully begotten, *Martin Bowes*, and the within named *Thomas Bowes*, and one *George Bowes*; And alſo the Jurors ſay upon their Oath aforeſaid, That the aforeſaid *Martin Bowes* Kt. before the time in which, *&c.* that is to ſay, the 29th. day of *July*, in the year of the Reign of the Queen that now is, the 8th made his Teſtament and laſt Will in writing, and by the ſame amongſt other things, Willed and Bequeathed to the ſaid *Thomas Bowes* his Son, the Meſſuage aforeſaid, with the Appurtenances amongſt other things, for the Term of the life of the ſaid *Thomas*, without impeachment of Waſte, and after his deceaſe, then the ſaid *Martin Bowes* Kt. by his Teſtament aforeſaid, Willed that the ſaid Meſſuage aforeſaid, amongſt other things, ſhould remain to the ſaid *Martin Bowes*, the Son of the ſaid *Thomas Bowes*, To have and to hold to the ſaid *Martin*, Son of the aforeſaid *Thomas*, and the Heirs males of his body lawfully begotten, And for default of any iſſue, That then the Meſſuage aforeſaid with the Appurtenances, amongſt other things, ſhould wholly remain to the ſaid *Thomas Bowes*, ſecond Son of the ſaid *Thomas Bowes*, Son and Heir of the ſaid *Martin Bowes* Knight, and the Heirs males of his body lawfully begotten, And for default of ſuch iſſue, that then the Meſſuage aforeſaid with the Appurtenances amongſt other things, ſhould wholly remain to the ſaid *George Bowes* third Sõ of the ſaid *Thomas Bowes*, Son and Heir of the ſaid *Martin Bowes* Kt. and the Heirs males of his body lawfully begotten, And for default of ſuch iſſue, that then the Meſſuage aforeſaid, amongſt other things, with the Appurte-

tenances,

nances, ſhould wholly remain to the Heirs males of the body of the ſaid *Thomas Bowes*, Son and Heir apparent of the ſaid *Martin Bowes* Kt. lawfully begotten. And for to default of ſuch iſſue, That then the Meſſuage aforeſaid, with the Appurtenances, amongſt other things, ſhould wholly remain to one *Martin Bowes*, Son and Heir apparent of one *Martin Bowes*, of *Jenkins*, in the Pariſh of *Barking* in the County of *Eſſex*, Eſq. and the Heirs males of his body lawfully to be begotten: And for default of ſuch iſſue, That the Meſſuage aforeſaid, with the Appurtenances, amongſt other things, ſhould wholly remain to the Heirs males of the body of the ſaid *Martin Bowes* of *Jenkins* lawfully begotten, And for default of ſuch iſſue, That then the Meſſuage aforeſaid, with the Appurtenances, amongſt other things, ſhould wholly remain to one *Will. Bowes* ſon of the aforeſaid *Martin Bowes*, Knight, & the Heirs males of his body lawfully begotten, & for default of ſuch iſſue, that then the ſaid Meſſuage with the Appurtenances amōgſt other things, ſhould remain to the right Heirs of the ſaid *George Bowes* for ever. And the aforeſaid *Martin Bowes* Kt. of the Meſſuage aforeſaid, with the Appurtenāces, amongſt other things in his Demeſn as of Fee, in form aforeſaid being ſeiſed, afterwards and before the time in which, *&c.* that is to ſay, the firſt day of *October*, in the year of the Reign of the ſaid Lady the Queen that now is, the 8th. dyed of the Meſſuage aforeſaid, with the Appurtenances, amongſt other things, in form aforeſaid ſeiſed, After whoſe death, The ſaid *Thomas Bowes*, Son and Heir of the ſaid *Martin Bowes* Kt. into the Meſſuage aforeſaid, with the Appurtenances, did enter, and was thereof, amongſt other things ſeiſed in his Demeſn as of Free hold, for the Term of his life, without Impeachment of Waſte, according to the form and effect of the Teſtament aforeſaid, with the remainder thereof in form aforeſaid expecting: And the ſaid *Thomas Bowes* ſo being thereof ſeiſed, before the time in which, *&c.* that is to ſay, the 19th. day of *December*, in the year of the Reign of the ſaid Lady the Queen that now is, the 14th. by a certain Indenture between the ſaid *Thomas Bowes*, of the one party, and one *William Peltham* Eſq. of the other party made, bearing date the ſame day and year, and in the Court of *Chancery* of the ſaid Lady the Queen that now is, at *Weſtminſter* in the County of *Middleſex*, then being within 6. Moneths then next following, in due manner of Record inrolled, according to the form of the Statute in ſuch caſe made and provided, One part whereof ſealed with the ſeal of the ſaid *Thomas Bowes*, to the Jurors aforeſaid was ſhewed in Evidence, For and in conſideration of a certain ſumm of Money to the ſaid *Thomas*, by the aforeſaid *William Petham* Eſq. before hand payed, bargained, and ſould to the ſaid *William Petham*, The Meſſuage aforeſaid, with the Appurtenances, amongſt other things, To have, to him and his Heirs and Aſſignes for ever, The Tenor of which Indenture followeth in theſe words. This Indenture made the 19th day of *December*, 1571. And in the 14th. year of the Reign of our Sovereign Lady *Elizabeth*, by the Grace of God, Queen of *England*, *France*, and *Ireland*, Defender of the Faith, *&c.* Between *Thomas Bowes* Eſq. Son and Heir of Sir. *Martin Bowes* Kt. late Citizen and Alderman of the City of *London* deceaſed, of the one party, And *William Petham* of *London* Eſq. and Lieutenant General of the Queens Majeſties Ordnance of the other party, Witneſſeth, That the ſaid *Thomas Bowes*,

for

for and in consideration of the summ of 1000. pounds, of good and lawful Money of *England*, to him the said *Thomas Bowes*, by the said *William Pelham*, at and before the sealing of these presents, well and truly contented and paid, whereof, and wherewith, the said *Thomas Bowes*, acknowledgeth himself fully contented, satisfied, and paid, And thereof, & of every part and parcel thereof, doth by these presents clearly acquit, exonerate, and discharge the said *William Pelham*, his Heirs, Executors, Administrators, and Assignes, and every of them for ever, by these presents, Hath bargained, sold, given, and granted, and by these presents, doth fully and absolutely bargain, sell, give, and grant, unto the said *William Pelham*, his Heirs and Assignes for ever, All those 8. Messuages, or Tenements, with the Appurtenances, situate lying and being in the Parish of St. *Mary VVoolnoth*, within the City of *London*, now or late in the several Tennures or Occupations of *Francis Barnard* Cook, *Thomas Atkinson* Scrivener, *John Allen*, *Thomas Giles* Haberdasher, *John Heath* Scrivener, *Thomas Ryding* Cloathworker, Citizens of *London*, *Ellin Witten*, and *Elizabeth Banester* of *London* Widowes, or their several Assignes, together with all and singular Shops, Sellers, Yards, Back-sides, void Grounds, Easements, Wayes, Profits, Commodities and Appurtenances, to the same Tenements, or any of them belonging or appertaining, or at any time had, taken, reputed, known, used, or occupied, as part, parcell, or member of them or any of them, with the Advowson or Patronage, and gift of the Benefice of the said Parish Church of St. *Mary Woolnoth*, Together with all the Right, Title, Interest, Claim, Demand, and Reversion, with Rents reserved, which the said *Thomas Bowes* hath, or of right ought to have, of in or to the said 8. Messuages, and other the premises, or any part or parcell of them, or any of them: And also the said *Thomas Bowes* for the Consideration aforesaid, Hath bargained, and sold, given, and granted, and by these presents doth fully and absolutely bargain, and sell, give, and grant, unto the said *VVilliam Pelham*, his Heirs and Assignes for ever: As well the severall Counterpaines, of the Indentures of leases, made, demised, and granted, of the aforesaid several Messuages, or Tenements, As also all and every the Deeds, Evidences, Charters, Court-Rolls, Rentalls, Escripts, Miniments, and Writings, touching, or in any wise concerning the premises, or any part or parcell thereof. All which said several Counterpaines, of the said several Indentures of Lease, and the said Deeds, Evidences, Court-Rolls, Charters, and Miniments, before mentioned, to be bargained and sold, or as many thereof as be in the hands, custody, or possession of the said *Thomas Bowes*, or of any other to his use; The said *Thomas Bowes*, doth covenant, grant, and agree, for himself, his Heirs, Executors, Administrators, or Assignes, and every of them, to and with the said *VVilliam Pelham*, his Executors, Administrators, and Assignes, and every of them by these presents, to deliver or cause to be delivered to the said *VVilliam Pelham*, his Heirs, Executors, Administrators, or Assignes, At or before the Feast of the Nativity of St. *John* the *Baptist* next insuing, after the Date of this Indenture, Together with the true Copies of all such other Deeds, Evidences, Charters, Court-Rolls, Rentalls, Miniments, and Writings, as concern the said mentioned premises, and other Lands, Tenements, and Hereditaments, not bargained by these presents, To

have

have and to hold all and ſingular the aforeſaid Meſſuages and other the premiſes with the Appurtenances, and every part and parcell thereof by theſe preſents, bargained and ſold unto the ſaid *VVilliam Pelham* his Heirs and Aſſignes for ever, to the proper uſe and behoof of the ſaid *VVilliam Pelham*, his Heirs, and Aſſignes for ever: And further the ſaid *Thomas Bowes*, doth by theſe preſents covenant and grant for him, his Heirs, and Executors, to and with the ſaid *VVilliam Pelham*, his Heirs, Executors, Adminiſtrators, and Aſſignes, by theſe preſents, That all and ſingular the ſaid 8. Meſſuages, and other the premiſes with their Appurtenances, and every part and parcel thereof, by theſe preſents bargained and ſold, now remain and be, and at all and every time and times hereafter ſhall remain and continue unto the ſaid *VVilliam Pelham*, his Heirs and Aſſignes for ever, clearly acquitted, diſcharged, or otherwiſe ſufficiently ſaved harmleſſe, by the ſaid *Thomas Bowes*, his Heirs, Executors, Adminiſtrators, or Aſſignes, of and from all Bargaines, Sales, Joyntures, Dowers, Judgements, Executions, Intruſions, Fines, Alienations, and all other charges, duties, and incombrances whatſoever, heretofore had, made, done, or ſuffered by the ſaid *Thomas Bowes*, or his Aſſignes, or by any other perſon or perſons, the ſeveral Leaſes heretofore made and granted of the premiſes, now ſtanding in their full force, onely excepted and forepriſed, during which ſeveral Terms, in the ſaid ſeveral Indentures of Leaſe mentioned, the ſaid *Thomas Bowes* doth covenant and grant for Him, his Heirs, and Aſſignes, to and with the ſaid *VVilliam Pelham*, his Heirs, Executors, and Aſſignes, That the ſeveral Rents thereupon reſerved, ſhall and may have continuance, and be payable to the ſaid *VVilliam Pelham*, his Heirs and Aſſignes, during the ſaid ſeveral Terms, All manner of chief Rents and ſervices heretofore to be due for the ſame, to the chief Lord and Lords, of the Fee and Fees only excepted And farther the ſaid *Thomas Bowes* doth by theſe preſents for himſelf, his Heirs, Executors, Adminiſtrators, and Aſſignes, and every of them, covenant, grant, and agree, with the ſaid *William Petham*, his Heirs, Executors, Adminiſtrators, and Aſſignes, and every of them by theſe preſents, That he the ſaid *Thomas Bowes*, at the making thereof ſtandeth, and is lawful and rightful owner of all and ſingular the aforeſaid 8. Meſſuages, and other the premiſes, with their Appurtenances, and every part and parcel thereof, And that he is ſole lawfully and rightfully ſeiſed of a good and perfect eſtate in Fee ſimple or Fee tail, in his own right, and to his own uſe onely, and without condition or other defeaſance, of all the ſaid 8. Meſſuages, and other the premiſes by theſe preſents bargained and ſold. And that he hath full power and perfect lawful & good authority to bargain, ſell, and aſſure the ſame in manner & form aforeſaid; And further, that he the ſaid *Thomas Bowes*, and the Heirs of the ſaid *Thomas Bowes*, and all and every other perſon and perſons, and their Heirs, having, or lawfully claiming any lawful eſtate or intereſt, of or in the premiſes, or any part or parcell thereof, ſhall and will at the coſts and charges in the Law of the ſaid *VVill. Petham*, his Heirs and Aſſignes, at all and every time and times hereafter, during the Term of Four years next inſuing the date thereof, at the reaſonable requeſt of the ſaid *William Pelham*, his Heirs or Aſſignes, do cauſe, procure, and ſuffer to be done, All and every ſuch reaſonable and further act or acts, thing or things, deviſe, or deviſes,

viſes, aſſurance, and aſſurances whatſoever, for the further and better aſſurance and ſure making, and for the clear and abſolute having, and enjoying of all and ſingular the aforeſaid premiſes with their Appurtenances, and every part and parcel thereof to be injoyed, conveyed, and aſſured to the ſaid *William Pelham*, his Heirs and Aſſignes, be it by Fine, Feoffment, Recovery, Deed, or Deeds, Inrolled, Inrolement of theſe preſents, Recovery with ſingle or double Vouchers, and with warranty againſt all men or without warranty or otherwiſe, as ſhall be reaſonably deviſed or aviſed by the ſaid *William Pelham*, or by the Council learned in the Lawes of this Realm of the ſaid *William Pelham* his Heirs or Aſſignes: And that the ſaid 8. Meſſuages and other the premiſes by theſe preſents, bargained and ſold, now are of the cleer yearly value of 67. pounds, 13. ſhillings, and 8. pence, of lawful money, over and above all charges and repriſes. And after the Feaſt of St. *Michael* the *Archangel*, which ſhall be in the year of our Lord God, 1688. of the cleer yearly value of 71. pounds, 13. ſhillings, and 4. pence, of lawful Money of *England*, over and above all charges and repriſes. In witneſs whereof the parties aforeſaid to theſe Indentures ſunderly have ſet their ſeals. Given the day and year firſt above written. *Memorandum*, that afterwards that is to ſay, the 21. day of *December*, in the year aboveſaid, came the aforeſaid *Thomas Bowes*, before the ſaid Lady the Queen in her *Chancery*, at *Weſtminſter* in his proper perſon, And did acknowledge there the Indentureaforeſaid, & all and ſingular in the ſame contained and ſpecified in the former above written. By Colour of which bargain, ſail, and Inrollment aforeſaid, as alſo by force of a certain Act of transferring of uſes into poſſeſſion, in the Parliament of the Lord *Henry*, late King of *England* the 8th. at *Weſtminſter*, in the County of *Middleſex*. the 4th. day of *February* in the 27th. year of his Reign, holden, made, and provided, The ſaid *William Pelham* was ſeiſed of the Meſſuage aforeſaid with the Appurtenances amongſt other things, in which, *&c.* as the Law requireth: And the ſaid *William* ſo being thereof ſeiſed, before the time in which, *&c.* A certain Recoverie was had in the Court of *Huſtings*, of Pleas, of Lands, holden in the *Guild-hall London*, before the Mayor and Sheriffs of the ſame City, according to the cuſtom of the aforeſaid City, by *Nicholas Parker*, and *Simon Patricke*, demandants againſt the ſaid *Willi. Pelham*, then Tenant of the ſaid Meſſuage, with the Appurtenances amongſt other things, in which, *&c.* in and upon a Writ of the Lady the Queen of Right Patent by the aforeſaid *Nicholas*, and *Simon*, brought out of the Court of *Chancery*, of the ſaid Lady the Queen, and in the ſaid Court of *Huſtings*, and according to the cuſtom of the City afore ſaid proſecuted, The Tenors of which Writ, and the return and the proceedngs thereof, as alſo of the Recovery aforeſaid, with all things touching the ſame, follow in theſe words. *ſſ.* Pleas of Lands, holden in the *Huſtings* in the *Guild hall London* Monday next, the feaſt *Perpetue & feliatatis*: In the year of the Reign of our Lady *Elizabeth*, by the grace of God, of *England*, *France*, and *Ireland*, Queen defender of the faith, the 14th. At this *Haſtings* came here in their proper perſons, *Nicholas Parker*, and *Simon Patrick*, and brought here in Court a Writ of the Lady the Queen of Right Patent, to the Mayor and Sheriffs of *London*, directed in theſe words.

Elizabeth by the grace of God, of *England*, *France*, and *Ireland*, Queen, defender of the faith, &c. To the Mayor and Sherifs of *London* greeting, We command you full Right, you do to *Nicholas Parker*, and *Simon Patricke*, of 8. Meſſuages, with the Appurtenances in *London*, which they claim to hold of us by the free ſervice of 1. penny by the year, for all ſervice which *William Pelham Eſquire*, deforced them, that no more clamor thereof we hear for defect of Right. Witneſſe my ſelf at *Weſtminſter*, the laſt day of *February*, in the year of our Reign the 14th. And they found Pledges to proſecute the ſaid Writ, that is to ſay, *John Doo*, and *Richard Roo*, And then and there the ſaid *Nicholas Parker*, and *Simon Patrick*, put in their place *William Dalby*, their Attorny againſt the aforeſaid *William Pelham*, & by the ſaid their Attorny then & there demanded Proceſs, &c. according to the Cuſtom of the City aforeſaid, and it is granted unto them, &c. Upon which, then it was Commanded then and there by the ſaid Court, to the Sheriffs of *London* according to the Cuſtom of the ſaid City, That they ſummon by good ſummoners the ſaid *William Pelham*, that he be here at the next *Haſtings*, *London* of Pleas of Lands, in the *Guild-hall* of the City aforeſaid, according to the Cuſtom of the ſaid City to be holden, to Anſwer to the ſaid *Nicholas Parker*, and *Simon Patricke*, in the ſame plea here, &c. At which day, that is to ſay, at the *Haſtings London*, of Pleas of Lands, holden in the *Guid-hall London*, Monday next before the Feaſt of St. *Edward*, King, and Martyr, in the year of the Reign of the ſaid Lady *Elizabeth*, &c. the 14th. aforeſaid, The ſaid *Nicholas Parker*, and *Simon Patrick*, by the ſaid *William Dalby* their Attorny, came and appeared here, &c. And the Sheriffs of *London*, that is to ſay, *Henry Mills*, and *John Branch*, now ſent and retorned here upon the Precept aforeſaid to them directed, That they by virtue of the ſaid Precept ſommoned the ſaid *William Pelham* to be here at this *Haſtings*, to Anſwer to the ſaid *Nicholas Parker*, and *Simon Patricke* in the plea aforeſaid, as to them, &c. by *John Doo*, and *Richard Roo*, ſummoners, &c. Which *William* at this *Haſtings*, put in his place *Roger Coys*, and *Robert Hogeſon*, their Attornies, joyntly and ſeverally, againſt the ſaid *Nicholas Parker*, and *Simon Patricke*, in the Plea aforeſaid, &c. by *William Fleetwood*, *Eſquire*, Recorder of the City aforeſaid, &c. And upon this the ſaid *Nicholas Parker*, and *Simon Patricke*, by the ſaid *William Dalby*, their Attorny, demand againſt the ſaid *William Pelham*, 8. Meſſuages with the Appurtenances, ſituate lying and being in the Pariſh of St. *Mary Woolnoth*, in the Ward of *Langborn*, *London*, as their Right, &c. By the Writ of the ſaid Lady the Queen that now is, of Right Patent, &c. And to hold of the ſaid Lady the Queen, by the free ſervice of 1. penny by the year for all ſervice, &c. And whereupon they ſay, That they themſelves were ſeiſed of the aforeſaid 8. Meſſuages, with the Appurtenances, &c. in their Demeſn as of Fee and Right, &c. in time of peace, in the time of the ſaid Lady the Queen that now is, &c. taking the Profits thereof to the value, &c. And that ſuch is their Right they offer, &c. And the ſaid *William Pelham* by his Attorny aforeſaid cameth and defendeth, the right of the ſaid *Nicholas Parker*, and *Simon Patricke* when, &c. And the ſeiſin of the ſaid *Nicholas Parker*, and *Simon Patricke*, of which ſeiſin, &c. and all, &c. and whatſoever, &c. as of Fee and Right, &c. and eſpecially of the ſaid 8. Meſſuages,

8. Meſſuages, with the Appurtenances, &c. and vouch thereof to warranty, *Thomas Bowes* of *London Eſquire*, And demand ſummons in *London*, by the aid of this Court, to warrant to the ſaid *William Pelham*, the ſaid 8. Meſſuages with the Appurtenances, which the ſaid *Nicholas Parker*, and *Simon Patricke* claim againſt the ſaid *William Pelham*, as their Right, &c. And the ſaid *Nicholas Parker*, and *Simon Patricke*, by their Attorny aforeſaid willingly grant, That the ſaid *William Pelham* have his voucher aforeſaid: Whereupon upon the Petition of the ſaid *Nicho. Parker*, and *Sim. Patricke*, It was commanded by the Court to the Sheriffs of *London*, that they ſummon by good ſummons, the ſaid *Thomas Bowes*, that he be here at the next *Huſtings London*, of Pleas of Lands at the *Guild-hall*, of the City aforeſaid to be held, &c. to warrant to the ſaid *William Pelham* the ſaid 8. Meſſuages with the Appurtenances, &c. againſt the ſaid *Nicholas Parker*, and *Simon Patricke*, &c. And the ſame day was then and there given, as well to the ſaid *Nicholas Parker*, and *Simon Patricke*, as to the ſaid *William Pelham* in the Plea aforeſaid here, &c. At which day, that is to ſay, at the *Huſtings London*, of Pleas of Lands, in the *Guild-hall* of the City of *London*, upon *Monday* next before the Feaſt of St. *Alphege* Biſhop, in the year of the Reign of the ſaid Lady the Queen, &c. the 14th. come as well the ſaid *Nicholas Parker*, and *Simon Patricke*, by the ſaid *William Dalby* their Attorny, as the ſaid *William Pelham* by his Attorny aforeſaid; And the Sheriffs of *London*, that is to ſay, *Henry Mills*, and *John Braunch*, now ſent and retorned here upon the Precept to them directed, that they by virtue of the ſaid Precept, ſummoned the ſaid *Thomas Bowes*, to be here at this *Huſtings*, , to warrant to the ſaid *William Pelham* the ſaid 8. Meſſuages with the Appurtenances, &c. as to them, &c. by *John Doo*, and *Richard Roo* Summoners. And upon this, The aforeſaid *Thomas Bowes*, whom the ſaid *William Pelham* vouched to warranty, &c. at this *Huſtings* put in his place *Roger Coys*, and *Robert Hogeſon* his Attornies, joyntly and ſeverally againſt the ſaid *Nicholas Parker*, and *Simon Patricke*, in the Plea aforeſaid, &c. By *William Fleetwood Eſq.* Recorder of the City aforeſaid, &c. And now here at this *Huſtings*, The ſaid *Thomas Bowes* by the aforeſaid *Roger Coys*, and *Robert Hogeſon* came, and freely the aforeſaid Meſſuages with the Appurtenances &c. To the ſaid *Willi. Pelham* againſt the ſaid *Nicholas Parker*, and *Simon Patrick* did warrant, &c. And thereupon the ſaid *Nicholas Parker*, and *Simon Patricke*, by the ſaid *William Dalby*, their Attorny, demanded againſt the ſaid *Thomas Bowes* Tenant, by his warranty aforeſaid, the ſaid 8. Meſſuages with the Appurtenances, &c. as their Right, &c. by the Writ aforeſaid, &c. in form aforeſaid, &c. And whereupon they ſaid, That they were ſeiſed of the Meſſuages aforeſaid, with the Appurtenances, &c. in their Demeſn as of Fee and Right, &c. in the time of Peace, in the time of the ſaid Lady the Queen that now is, &c. taking the profits thereof to the value, &c. And that ſuch is their Right they offer, &c. And the ſaid *Thomas Bowes* Tenant by his warranty aforeſaid, by the ſaid *Roger Coys*, and *Robert Hogeſon* their Attornies came, and denyed the Right of the ſaid *Nicholas Parker*, and *Simon Patricke* when, &c. And the ſeiſin of the ſaid *Nicholas Parker*, and *Simon Patricke* of which deſeiſin, &c. and all, &c. and whatſoever, &c. as of Fee and Right, &c. and chiefly of the ſaid 8. Meſſuages with the Appurtenance, &c. And vouched thereof to warranty, *Richard Horſted* of *London*

Iremonger, who now is preſent here in Court in his proper perſon, and freely the ſaid 8. Meſſuages with the Appurtentnces, *&c.* to the ſaid *Thomas Bowes* did warrant, *&c.* And upon this, at the *Huſtings* aforeſaid, The ſaid *Nicholas Parker*, and *Simon Patricke*, by the ſaid *William Dalby* their Attorny, demanded againſt the ſaid *Richard Horſted* Tenant, by his warranty then and there being in his proper perſon, the ſaid 8. Meſſuages with the Appurtenances, *&c.* by the Writ aforeſaid, *&c.* in form aforeſaid, *&c.* as their Right, *&c.* And whereupon they ſay, That they were ſeiſed of the aforeſaid 8. Meſſuages with the Appurtenances, *&c.* in their Demeſn as of Fee and Right, *&c.* in time of peace, in the time of ſaid Lady the Queen that now is, taking thereof the Profits to the value, *&c.* and that ſuch is their right offer, *&c.* and the ſaid *Richard Horſted* Tenant by his warranty aforeſaid, in his proper perſon cometh and reſendeth the right of the ſaid *Nicholas Parker*, and *Simon Patricke*, when, *&c.* and the ſeiſin of the ſaid *Nicholas Parker*, and *Simon Patricke*, of which ſeiſin, *&c.* and all, *&c.* and whatſoever *&c.* and chiefly of the ſaid 8 Meſſuages with the appurtenances, *&c.* as of fee and right, and ſaith, that he hath more right to hold the ſaid 8 Meſſuages with the appurtenances as Tenant thereof by his warranty aforeſaid to him and his heirs as he now holdeth, then the ſaid *Nicholas Parker* and *Simon Patrick* have to demand the ſaid 8 Meſſuages with the appurtenances, *&c.* as they above demand, *&c.* and demand Recognition to him hereupon to be done according to the cuſtome of the City aforeſaid, *&c.* and hereupon the ſaid *Nicholas Parker* and *Simon Patrick* by their Attorny aforeſaid prayeth Licence thereof to imparle, and they have it, *&c.* and afterwards the ſaid *Nicholas Parker* and *Simon Patrick* by their Attorny aforeſaid, come again at the ſelf ſame Court of *Haſtings* ready to the plea of the ſaid *Richard Horſted* Tenant by his warrant aforeſaid in form aforeſaid pleaded to reply, *&c.* and the ſaid *Richard Horſted* Tenant by his warranty aforeſaid although ſollemnly called, came not again but in contempt of the Court departed and made default. Therefore, It is conſidered by the ſaid Court, That the ſaid *Nicholas Parker* and *Simon Patrick* ſhall recover ſeiſin againſt the ſaid *William Pelham* of the aforeſaid 8 Meſſuages with the appurtenances, *&c.* to hold to the ſaid *Nicholas Parker*, and *Simon Patrick* and their heirs, acquitted from the ſaid *William Pelham* and his heirs, and alſo from the ſaid *Thomas Bowes* and his heirs, as alſo from the ſaid *Richard Horſted* and his heirs for ever: and that the ſaid *William Pelam* have of the Lands and Tenements of the ſaid *Thomas Bowes* to the value *&c.* and that the ſaid *Thomas Bowes* have of the Lands and Tenements of the aforeſaid *Richard Horſted* to the value, *&c.* and that the ſaid *Richard Horſted* be in mercy, *&c.* and hereupon at the ſelf ſame *Haſtings* at the petition of the ſaid *Nicholas Parker* and *Simon Patrick*, it was commanded to the Sheriffs of *London*, that they to the ſaid *Nicholas Parker* and *Simon Patrick* and their heirs for ever, of the Meſſuages aforeſaid with the appurtenances give full and peaceable ſeiſin, and how the ſaid Command & was executed that they make known unto the Court here at the next *Haſtings* of *London* of pleas of Lands in the guild-hall of the City aforeſaid to be holden, *&c.* at which day, that is to ſay, at the Huſtings of pleas of Lands holden in the Guild-hall *London*, Mon-

day

day next before the feaſt of Saint *Philip*, and *James* in the year of the ſaid Lady the Queen the 14th. aforeſaid, the Sheriff, of *London*, that is to ſay, *Henry Mils*, and *John Branch* retorned, and certified to the Court here, *&c.* That they by virtue of the precept to them directed full and peaceable ſeiſin to the ſaid *Nicholas Parker* and *Simon Patrick*, of the 8 Meſſuages with the appurtenances, *&c.* made to have according to the effect of the precept aforeſaid, as it was above commanded unto them, *&c.* as by the ſaid recovery aforeſaid under the ſeal of the office of the Mayraltie of the City aforeſaid, to the Jurors aforeſaid, ſhewed in evidence fully appeacheth. And farther the Jurors aforeſaid ſay upon their oath aforeſaid, that the ſaid *William Pelham* in the Indenture aforeſaid named, and the ſaid *William Pelham* againſt whom the ſaid *Nicholas Parker* and *Simon Patrick* ſued forth the writ of Right aforeſaid, is one and the ſame perſon, and not another nor diverſe. And that the ſaid *Thomas Lowes* Son and heir of the ſaid *Martin Bowes* Knight, and the ſaid *Thomas Bowes* in the recovery aforeſaid ſpecified whom the ſaid *William Pelham* vouched thereto warranty, and the ſaid *Thomas Bowes* above named, is one and the ſame perſon, and not another, nor divers. By colour whereof the ſaid *Nicholas*, and *Simon*, afterwards and before the 8th. day of *May* in the year of the raign of the ſaid Lady the Queen that now is, the 14th., that is to ſay, the firſt day of *May* in the 14th. year aforeſaid in the Meſſuage aforeſaid, with the appurtenances amongſt other things entred, and were thereof amongſt other things ſeiſed. And farther the ſaid Jurors ſay upon their oath aforeſaid, that the recovery aforeſaid, of the aforeſaid Meſſuage with the appurtenances amongſt other things in form aforeſaid had, was had with the aſſent and agreement of the ſaid *Nicholas* and *Simon*, *William Pelham*, *Thomas Bowes*, Son of the aforeſaid, *Martin Bowes* Knight, and *Richard Horſted*, and without any juſt title of the ſaid *Nicholas* and *Simon*, to the uſe of the ſaid *William Pelham*, his heirs and aſſigns for the farther his aſſurance of and in the aforeſaid Meſſuage with the appurtenances amongſt other things according to the form and effect of the Covenants and agreements of the ſaid indenture of bargain and ſale ſpecified by the ſaid *Thomas Bowes* Son of the ſaid *Martin Bowes* Knight, to the ſaid *William Pelham*, as before is ſaid, made by colour of which recovery as alſo by force of the aforeſaid Act of Parliament of transferring of uſes into poſſeſſion, the ſaid *William Pelham* was ſeiſed of the aforeſaid Meſſuage, with the appurtenances amongſt other things as the Law requireth: and that afterwards, that is to ſay, the firſt day of *December* in the year of the raign of the ſaid Lady the Queen that now is, the 16th. the ſaid *Martin Bowes* Son of the ſaid *Thomas Bowes*, Son of the ſaid *Martin Bowes* Knight, then being within the age of 21 years, that is to ſay of 17 years, dyed without iſſue of his Body Lawfully begotten. And that the aforeſaid *William Pelham* of the ſaid Meſſuage with the appurtenances, amongſt other things as before is ſaid, recovered in form aforeſaid being ſeiſed before the aforeſaid time in which, *&c.* that is to ſay, the 10th. day of September in the year of the Raign of the ſaid Lady the Queen that now is, the 27th. demyſed the ſaid Meſſuage with the appurtenances in the declaration aforeſaid above ſpecified to the aforeſaid *Edward Griffin*, to have to him and his aſſigns from the feaſt of Saint *Michael* the *Archangel* then next enſuing until the end and

Term

Term of 21 years then next following, By virtue of which demyſe, the ſaid *Edward Griffin* was of the ſaid Meſſuage with the appurtenances poſſeſſed; and that afterwards that is to ſay, the 10th. day of January in the year of the ſaid Lady the Queen that now is the 29th. the aforeſaid *Thomas Bowes*, Son of the ſaid *Thomas Bowes* Son and heir of the ſaid *Martin Bowes* Knight, into the Meſſuage aforeſaid with the appurtenances in the declaration aforeſaid above ſpecified, upon the poſſeſſion of the ſaid *Edward Griffin* thereof entred, and then and there demyſed, granted, and to farm let to the ſaid *Henry Page* the ſaid Meſſuage with the appurtenances to have to him his executors and aſſignes from the within written feaſt of the birth of our Lord then laſt paſt unto the end and Term of the within written Six years, and that the ſaid *Edward Griffin* afterwards, that is to ſay, the within written 11th. day of January in the 29th. year aboveſaid, into the Meſſuage aforeſaid, with the appurtenances upon the poſſeſſion of the ſaid *Henry Page* thereof, did reenter, and the ſaid *Henry* from the poſſeſſion of the Meſſuage aforeſaid did expel and amove: and that the ſaid *Thomas Bowes* Son of the ſaid *Martin Bowes* Knight, and Father of the ſaid *Thomas Bowes* Maſter of Arts, yet living and being in full life, that is to ſay at *London*, in the Pariſh and Ward aforeſaid: But whether upon the whole matter aforeſaid, in form aforeſaid found, the entry of the ſaid *Thomas Bowes* Maſter of Arts, Son of the ſaid *Thomas Bowes*, Son of the ſaid *Martin Bowes* Knight, into the meſſuage aforeſaid with the appurtenances, in the declaration aforeſaid ſpecified upon the poſſeſſion of the aforeſaid *Edward Griffin*, be, and in Law ought to be adjudged, a lawfull entry into the ſaid Meſſuage or not, the Jurors aforeſaid are altogether ignorant and pray the adviſe of the Court here, *&c.* and if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the Court here, that the aforeſaid entry of the ſaid *Thomas Bowes* Maſter of Arts, Son of the ſaid *Thomas Bowes*, Son of the aforeſaid *Martin Bowes* Knight, be a lawfull entry, then the Jurors aforeſaid ſay upon their oath aforeſaid, That the ſaid *Edward Griffin* is guilty of the treſpaſs, and ejectment aforeſaid, as the ſaid *Henry* within againſt him complayneth, and aſſeſs the damages of the ſaid *Henry*, by the occaſion of the treſpaſs, and ejectment aforeſaid, beſides charges, and coſts by him about his ſute in this behalf; to 12 pence, and for his charges and coſts, to 5 ſhillings and 4 pence, and if to the Court of the ſaid Lady the Queen here, it ſhall ſeem that the aforeſaid entry of the aforeſaid *Thomas Bowes* Maſter of Arts, Son of the ſaid *Thomas Bowes*, Son of the ſaid *Martin Bowes* Knight, be not a lawfull entry, Then the Jurors aforeſaid, ſay upon their oath aforeſaid, That the ſaid *Edward Griffin* is not guilty of the Treſpaſs and Ejectment aforeſaid, as the ſaid *Henry Page* within hath alleged. And becauſe the Barons here will adviſe of, and upon the premiſes before they give their judgement thereof, day is given to the parties aforeſaid here untill 8 dayes of Saint *Michael* next comming to hear their Judgment, becauſe the Barons here, thereof not yet, *&c.* at which day, come the paries aforeſaid by their Attorneys aforeſaid; and becauſe the Barons are not yet aviſed of giving their Judgement of, and upon the premiſes, further day is given to the parties aforeſaid here until from *Eſter* day in 15. dayes next comming to heare their Judgement becauſe the Barons thereof are not yet, *&c.* at which

which day came the ſaid parties by their Attorneys aforeſaid: And upon this the premiſes by the Barons here ſeen, and mature deliberation thereof had betwixt themſelves, becauſe it ſeemeth to the ſaid Barons, that the aforeſaid entry of the ſaid *Thomas Bowes* Maſter of Arts, Son of the ſaid *Thomas Bowes*, Son of the ſaid *Martin Bowes* Knight is a Lawfull entry. Therefore it is granted that the ſaid *Henry Page*, recover againſt the ſaid *Edward Griffin* his poſſeſſion of his term aforeſaid then to come of, and in the Meſſuage aforeſaid with the appurtenances in the declaration aforeſaid above ſpecified, and his damages by the occaſion of the treſpaſs and ejectment aforeſaid to 54 ſhillings and 4 pence by the Jurors aforeſaid in form aforeſaid aſſeiſed, as alſo further 8 pound and 10 ſhillings to the ſaid *Henry Page*, at his requeſt, for his charges and coſts aforeſaid by the Court here of encreaſe adjudged, which damages in the whole do amount to 11. pound 4. ſhillings 4. pence and that the ſaid *Edward Griffin* be taken, &c. And hereupon, by a writ of the ſaid Lady the Queen here iſſuing forth at at the requeſt of the aforeſaid *Henry Page*, it is commanded to the ſheriffs of *London*, that to the aforeſaid *Henry*, they his full poſſeſſion of his term yet to come of, and in the Meſſuage aforeſaid with the appurtenances in the declaration above ſpecified without delay to him they give, and how the ſaid precept is executed that the ſaid ſheriff make it appear to the Barons of the *Exchequer* of the ſaid Lady the Queen here the morrow of the *Holy Trinity* next to come; and alſo it is commanded to the ſaid Sheriffs that of the goods and chattels of the ſaid *Edward Griffin* in their Balywick the ſaid 11. pound 4. ſhillings and 4 pence, for the damages aforeſaid, in form aforeſaid recovered they do execution; and that the ſaid money when they have ſo levyed they have before the Barons here at the aforeſaid Term to the ſaid *Henry Page*, or to his Attorny in this behalf then here to be paid, *&c.* And that afterwards the ſaid Lady the Queen that now is ſent her writ under her great ſeal out of her Chancery, to the Treaſurors and her Barons of the *Exchequer* here directed, which is enrolled in the remembrance of this *Exchequer* of the 31th. year of the Raign of Queen *Elizabeth* that now is, that is to ſay, amongſt the Records of *Eſther* Term remaining with the remembrancer of the ſaid Lady the Queen here; The tenor of of which writ followeth in theſe words ſ. *Elizabeth*, by the grace of God, of *England France* and *Ireland* Queen, defender of the faith, *&c.* To the Treaſuror and her Barons of the *Exchequer*, greeting becauſe that in the Record and proceſs and alſo of giving of Judgement of a plea which was in our Court before you the aforeſaid Barons in our *Exchequer* aforeſaid by bill, between *Henry Page* our debtor, and *Edward Griffin* of a certain treſpaſs and Ejectment of his Farm, to the ſaid *Henry* by the ſaid *Edward* done as is ſaid Error manifeſt hath intervened to the grevious damage of the ſaid *Edward* as of his complaint we have received. And whereas in a ſtatute in Parliament of the Lord *Edward* late King of *England* the third, our Progenitors at *Weſtminſter*, in the year of his Reign the 31th holden, made amongſt other things, it was agreed and eſtabliſhed, That in all caſes touching us and other perſons, where one complaineth of Error done in the *Exchequer*, the Chancellor and Treaſurer ſhall do to come before them in ſome Chamber neer unto the *Exchequor*, the Record and Proceſs out of the *Exchequor*, and taking

king to them Juſtices, and other ſage perſons, ſuch as ſhall ſeem fit to them to be taken, and alſo calling before them the Barons of the *Exchequor* aforeſaid, to hear their informations and cauſes of their Judgments and hereupon ſhall dulie examine the buſineſs, and if any Error ſhall be found to correct the ſame and to amend the Rolls, and after to ſend the ſame into the ſaid *Exchequor* to make thereof execution, as in the ſtatute aforeſaid more fully is conteyned, we therefore willing, Error if any be according to the form of the aforeſaid ſtatute to be corrected, & to the parties aforeſaid full & ſpeedy Juſtice in the premiſes to be done Command you that if Judgement thereupon be given, That then the Record & proceſs aforeſaid with all things touching the ſame before our Chancellor of *England*, and you the aforeſaid Treaſurer in the Chamber next unto the *Exchequer* aforeſaid called the Councel Chamber, the third day of *June* next to come, you cauſe to come that the ſaid Chancellor and you the aforeſaid Treaſurer, ſeeing, and examining the Record and proceſs aforeſaid and your informations being heard, you the ſaid Barons farther in this behalf with the Council of the Juſtices and other ſages, do that which of right and according to the form of the ſtatute aforeſaid is to be done. Witneſs my ſelf at *Weſtminſter* the 6th. day of *May* in the year of our Raign the 31th. and that afterwards, the ſaid Lady the Queen that now is, ſent here another writ under her great ſeal out of the Chancery to the Treaſurer and her Barons of this *Exchequor* directed which is enrolled in the Remembrancers of the ſaid *Exchequer* of the 31 year of the now Queen *Elizabeth*, that is to ſay, amongſt the Records of *Trinity* Term Rot. Remaining with the Remembrancer of the ſaid Lady the Queen here, the Tenor of which writ followeth in theſe words ſi. *Elizabeth* by the grace of God, of *England*, *France*, and *Ireland*, defender of the faith, *&c.* To the Treaſurer and Barons of her *Exchequer*, greeting, Becauſe in the Record and proceſs, and alſo in giving of Judgment of a plea which was in our Court, before you the aforeſaid Barons of our *Exchequor* aforeſaid in *Eaſter* Term laſt paſt by Bill between *Henry Page* our Debtor, and *Edward Griffin* of a certain treſpaſs and Ejectment out of his Farm, to the ſaid *Henry* by the ſaid *Edward* done as is ſaid manifeſt Error intervened To the grevious damage of the ſaid *Edward* as by his complaint we have received, and whereas in a ſtatute in Parliament of the Lord *Edward* late King of *England* the third our Progenitor at *Weſtminſter* in the year of his Reign the 13th. made amongſt other things it was agreed unto and eſtabliſhed that in all caſes the King and other perſons touching where any complaineth of Error done in the *Exchequor* the Chancellor and Treaſurer ſhall cauſe to come before them in ſome Chamber of Councel nigh unto the *Exchequor*, the Record and proceſs out of the ſaid *Exchequor*, and taking to them the Juſtices and other ſages, whom they ſhall think fit to be taken, and alſo to be called before them the Barons of the *Exchequor* aforeſaid, to hear their informacions & the cauſes of their Judgement, & thereupon ſhall cauſe the buſineſs duly to be examined, and if any Error ſhall be found that they correct the ſame, and the rolls to be amended. We therefore willing Error if any were according to the form of the ſtatute aforeſaid to be amended and full and ſpeedy Juſtice to be done to the parties in his behalf we command you that if Judgment thereof be given that then the Record

and

and proceſs aforeſaid with all concerning the ſame before our Chancellor of *Englad* and you the aforeſaid Treaſurer in the Council Chamber neer unto the *Exchequer* aforeſaid, 10th. day of this Inſtant moneth of *June*, your cauſe to come, That the ſame Chancellor and you the ſaid Treaſurer the Record and Proceſs aforeſaid being ſeen, and hearing your informations, you the ſaid Barons further in this behalf of the Council of the Juſtices and the other ſages do that which of right and according of the form of the ſtatute aforeſaid is to be done. Witneſs my ſelf at *Weſtminſter*, the third day of *June* in the year of our Reign the 31. At which day the aforeſaid Chancellor and Treaſurer into the Chamber aforeſaid did not come, and that afterwards, the ſaid Lady the Queen that now is, ſent another writ under her great Seal out of her Chancery To the Treaſurer and Barons of this *Exchequer*, directed, which is enrolled in the Remembrancers of the ſaid *Exchequer* of 31th. year of Queen *Elizabeth*, that now is, that is to ſay, amongſt the Records of *Trinity* Term Rot. Remaining with the Remembrancer of the ſaid Lady the Queen, the Tenor of which writ followeth in theſe words: IF *Elizabeth* by the grace of God of *England France* and *Ireland* Queen, defendor of the Faith, &c. To the Treaſurer and Barons of the *Exchequer* greeting, Becauſe that in the Record and proceſs, and alſo in giving of Judgement which was in our Court before you the aforeſaid Barons of our *Exchequer* aforeſaid in *Eaſther* Term laſt paſt by Bill, between *Henry Page* our debtor and *Edward Griffin* of a certain Treſpaſs and Ejectment of him out of his Farm to the ſaid *Henry* by the aforeſaid *Edward Griffin* done as is ſaid, Error manifeſt intervened, to the grievous damage of the ſaid *Edward*, as by his Complaint we have received. And whereas in a ſtatute in Parliament of the Lord *Edward* late King of *England* the third our Progenitor at *Weſtminſter* in the year of his Reign the 31th. holden, it was amongſt other things agreed unto and eſtabliſhed, that in all caſes the King and other perſons touching where any complains of Error done in proceſs in the *Exchequer*, the Chancellor & Treaſurer ſhall cauſe to come before them in ſome Chamber of Council nigh unto the *Exchequor* the ſaid Record and proceſs out of the ſaid *Exchequer*, and taking to them the Juſtices and other ſages as to them they ſhall ſeem good to be taken, and alſo to be called before them the Barons of the *Exchequer* aforeſaid to heare their informations and the cauſes of their Judgment, and thereupon the buſineſs aforeſaid duly to be examined; and if any Error ſhall be found, the ſame to be corrected, and the Rolls to be amended, and afterwards to ſend them into the ſaid *Exchequer* to do execution thereof as belongeth, as in the ſaid ſtatute is conteyned. We therefore willing Error if any ſuch ſhall be according to the form of the ſtatute aforeſaid to be corrected, and to the parties aforeſaid full and ſpeedy Juſtice to be done in that behalf, Command you, that if Judgment be thereof given, Then the Record and proceſs with all touching the ſame before our Chancellor of *England* and you the ſaid Treaſurer in the Chamber of Councel neer unto the *Exchequer* aforeſaid called the Councel Chamber the 14th. day of *October* then ollowing, you cauſe to come, that the ſaid Chancellor and you the ſaid Treaſurer ſeeing and examining the Record and proceſs aforeſaid, and your informations being heard, you the ſaid Barons further in this behalf with the Councel

of the Juſtices and other ſages cauſe to be done what of right and according to the form of the ſtatute aforeſaid is to be done Witneſs my ſelf at *Weſtminſter* the 13th. day of *June* in the year of our Reign the 31th. At which 14th day of *October* before *Chriſtopher Hatton* Knight Chancellor of *England*, and *William Cecil* Knight, Lord *Burghley* Treaſurer of the *Exchequer* aforeſaid in the ſaid Chamber neer the *Exchequer* aforeſaid at *Weſtminſter*, came the ſaid *Edward Griffin* by *Richard Hatton* his Attorny, and the aforeſaid Traeſurer and Barons the Record and proceſs aforeſaid with all things touching the ſame then and there cauſed to come, and upon that the ſaid *Edward* ſaid, That in the Record and proceſs aforeſaid and alſo in the giving of the Judgement aforeſaid, It is manifeſtly Erred, Firſt in this, that is to ſay, becauſe it doth not appear in the Record aforeſaid that the aforeſaid *Thomas Bowes* Maſter of Arts in the Record aforeſaid above named was ſeiſed of the remaynder of the Meſſuage aforeſaid with the appurtenances in the declaration aforeſaid above ſpecified at the time of the ſaid recovery in the aforeſaid Court of Huſtings in the Guild Hall of London in form aforeſaid had, for which cauſe, the entry of the ſaid *Thomas Bowes* Maſter of Arts into the Meſſuage aforeſaid with the appurtenances in the ſaid Declaration aforeſaid ſpecified was not lawfull. *Item*, in this alſo it is Erred, for that the aforeſaid recovery was had in the ſaid Court of Huſtings before the 8th. day of *May* in the yeare of the Reign of the Lady the Queen that now is the 14th. and that the ſaid *Thomas Bowes*, who before was Tenant for Term of life was vouched in the ſaid Court by the aforeſaid *William Pelham* in the ſaid Recovery named to warrant the Meſſuage aforeſaid with the appurtenances, amongſt other things, which *Thomas* afterwards by Summons by his Attorny, appeared in Court, and freely the Meſſuage aforeſaid, to the ſaid *William* did warrant: and farther vouched to warrant, the aforeſaid *Richard Horſted*, who preſent in the ſame Court, the Meſſuage aforeſaid with the appurtenances, farther warranted, and afterwards made default, by which Judgement againſt the ſaid *William Pelham* in the ſaid Recovery was given, and execution thereof in the form aforeſaid was had, ſo as the ſaid *Thomas Bowes* Maſter of Arts, of the remainder without any demand in the Meſſuages aforeſaid, with the appurtenances to have ſtood utterly excluded, and for that cauſe the aforeſaid entry of the aforeſaid *Thomas Bowes* Maſter of Arts, into the ſaid Meſſuage with the appurtenances after the ſaid Recovery in form aforeſaid had, and executed, was unlawfull. 1. *Item*, in this alſo it is erred, becauſe it was found, that before any entry of the ſaid *Thmas Bowes* Maſter of Arts, the Judgement aforeſaid was fully and in due manner executed, after which Execution ſo had, although the ſaid *Thomas Bowes* Maſter of Arts, before the Execution aforeſaid, had had title of Entry; Yet the ſaid *Thomas* by the Law of the Land, into the Meſſuage aforeſaid after the Eexcution aforeſaid ſo had, could not enter: *Item*, in this further it is erred, becauſe it is found by the Jurors aforeſaid, That the ſaid *Thomas Bowes* the Father, *&c.* who was Tenant for Term of his life, of the Meſſuage aforeſaid with the Appurtenances, is yet living, and is in full life; And ſo the aforeſaid Entry of the ſaid *Thomas Bowes*, Maſter of Arts, in the Meſſuage aforeſaid with the Appurtenances, in form afor-

foreſaid, during the life of the ſaid *Tho. Bowes* his Father made, ought not to be adjudged lawful: And for theſe cauſes the Judgement aforeſaid for the ſaid *Henry Page*, againſt the ſaid *Edward Griffin*, and all thereupon depending, upon the Bill aforeſaid againſt the ſaid *Edward* in form aforeſaid ſpoken and exibited, is not ſufficient in Law, and he prayeth, That the ſaid Judgement aforeſaid, for the Errors aforeſaid, and others in the Record and proceſſe aforeſaid being, be reviſed, annulled, and utterly holden for none, and that he unto all which by the occaſion of the Judgement aforeſaid given, he loſt he be reſtored. And further the ſaid *Edward Griffin*, the Writ of the Queen to warn the ſaid *Henry Page*, that he ſhould be before the ſaid Chancellor and Treaſurer in the Court aforeſaid at *Weſtminſter*, to hear the Record and proceſſe aforeſaid, and alſo the Errors aforeſaid, and further to do and receive what ſhould be juſt in the premiſes, *&c.* And it was granted to him retornable, upō *Tueſday* the 28th. day of *Octo.* next following, *&c.* At which day, before the aforeſaid Chancellor and Treaſurer, in the Court aforeſaid, at *Weſtminſter*, came the ſaid *Henry Page*, by his Attorny aforeſaid: And the Sheriffs of *London*, that is to ſay, *Richard Gourney*, and *Stephen Soame*, now ſent by *Thomas Bickliff*, and *Humphry Walſingham*, good and lawfull Men of their Baliwick, That they did warn the ſaid *Henry Page*, that he ſhould be before the Chancellor and Treaſurer aforeſaid, in the aforeſaid Chamber at the day and place aforeſaid, to do and receive as the ſaid Writ commanded and required; And thereupon the ſaid *Edward*, by *John Hawkeſworth* his Attorny came likewiſe. and demanded the hearing of the Record and Proceſſe, as alſo of the Errors aforeſaid. And they are read unto him, *&c.* which being read and heard, The ſaid *Henry Page* ſaid, That in the Record and Proceſſe aforeſaid, made in the giving of the Judgement aforeſaid, it is in nothing erred, and prayed that the Court here proceed as well to the Examination of the Record, and the Proceſſe aforeſaid, as the cauſes aforeſaid for Errors alleged; And that the Judgement aforeſaid in all things might be affirmed. And becauſe the aforeſaid Chancellor and Treaſurer would adviſe of and upon the premiſes, before they give their Judgement, day is given to the parties aforeſaid here, that is to ſay, in the Chamber aforeſaid, until *Tuſeday* the 11th. day of *November* next following, to hear their Judgement, *&c.* At which day, before the aforeſaid Chancellor and Treaſurer in the Chamber aforeſaid, at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid: And becauſe the aforeſaid Chancellor and Treaſurer, are not yet aviſed of giving their Judgement of and upon the premiſes, further day is given to the parties aforeſaid, before the aforeſaid Chancellor or Treaſurer, in the Chamber aforeſaid, untill *Tuſeday* the 18th. day of *November*, then next following, to hear their Judgement, *&c.* At which day before the aforeſaid Chancellor and Treaſurer in the Chamber aforeſaid, at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the aforeſaid Chancellor and Treaſurer are not yet aviſed of giving their Judgement of and upon the premiſes, further day is given to the parties aforeſaid, untill *Tueſday* the 25th. day of *November* following, to hear their Judgement, *&c.* At which day, before the aforeſaid Chancellor and Treaſurer in the Chamber aforeſaid, at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, and becauſe the aforeſaid Chancellor and Treaſurer are not

yet aviſed of giving their Judgement of and upon the Premiſes, further day is given to the parties aforeſaid, here before the aforeſaid Chancellor and Treaſurer in the Chamber aforeſaid, untill *Tueſday* the 27th day of *January* next following, to hear their Judgement thereof, *&c.* At which day, before the aforeſaid Chancellor and Treaſurer in the Chamber aforeſaid, at *Weſtminſter* aforeſaid, come as well the ſaid *Henry Page*, by *John Hawkeſworth* his Attorny aforeſaid, as the aforeſaid *Edward Griffin* by *Rich. Hatton* his Attorny aforeſaid, and thereupon the ſaid *Henry* ſayd, That the ſaid *Edward* his Writ aforeſaid, for correcting of Errors, againſt the ſaid *Henry* in this caſe, further to proſecute or maintain ought not, becauſe he ſaith, That after the laſt continuance of the Plea aforeſaid, that is to ſay, after the aforeſaid *Tueſday*, that is to ſay, the 25th. day of *November*, from which day the Plea aforeſaid was laſt continued, untill this day, that is to ſay, the aforeſaid *Tueſday*, that is to ſay, the 27th. day of *January*, and before this day, That is to ſay, the 15th. day of *January*, in the year of the Reign of the ſaid Lady the Queen that now is the 32d. The ſaid *Edward*, by the name of *Edward Griffin*, of *London* Haberdaſher, At *London*, in the Pariſh of St. *Mary* of *Bow*, in the Ward of *Cheap London*, by his certain Writing of Releaſe, which the ſaid *Henry* with the ſeal of the ſaid *Edward* ſealed here into Court brought, whoſe date is the ſaid 15th. day of *January*, in 32d. year aforeſaid, releaſed and quit claimed to the ſaid *Henry Page*, by the name of *Henry Page* of *London* Merchant-Taylor, All manner of Actions, Sutes, Errors, Writs of Error, Quarrels, Plaints and Demands whatſoever, which the aforeſaid *Edward* againſt the ſaid *Henry* then had depending, or which at any time then after he might or ought to have againſt the ſaid *Henry*, his Executors, or Adminiſtrators, for any matter or thing whatſoever, from the beginning of the world unto the day of the date of the ſaid Writing of Releaſe, as by the ſaid Writing here in Court ſhewed, plainly appeareth; And this, the ſaid *Henry* is ready to aver, Whereupon he demands Judgement if the ſaid *Edward*, his aforeſaid Writ for correcting of Errors againſt the ſaid Writing of Releaſe of the ſaid *Edward*, further againſt the ſaid *Henry*, he ought to maintain or proſecute.

A Tenant for Life, the Remainder in Tail, the Remainder in Fee, Bargains and ſels the Land in Fee to one who before the Statute of 14. *Eliz.* ſuffers a Recovery, in which *A.* is vouched, and voucheth over, and he in the Remainder enters, and the Entry adjudged Lawful, and a Writ upon that is ſued, and the Plaintif doth releaſe the Errors.

Michaelmaſs

Michaelmaſs Term, 38. & 39. *Elizabeth*, in the KINGS BENCH, *Rot.* 551. *Ejectione Firme*, The Rector of *Chedingtons* Caſe, *c.* 1. part. fol. 148. *b.*

Memorandum, That at another time, That is to ſay, in *Eaſter Term* laſt paſt, before the Lady the Queen at *Weſtminſter*, came *David Loyd* Clerk, by *Stephen Worley* his Attorny, And brought here in the Court of the ſaid Lady the Queen then and there his Bill againſt *William Wilkinſon*, in the cuſtody of the *Marſhal*, *&c.* of a Plea of Treſpaſſe and Ejectment of him out of his Farm: And are Pledges of Sute, *John Doo*, and *Richard Roo*, which Bill followes in theſe words. *Buck. ſſ.* *David Loyd* Clerk, complaineth of *Wil. Wilkinſon*, in the cuſtody of the *Marſhalſey* of the Lady the Queen before the Queen her ſelf being, for that, that is to ſay, That whereas *David Roberts* Clerk, Rector of the Pariſh Church of *Chedington* in the County aforeſaid, the 26th day of *March*, in the year of the Reign of the Lady *Elizabeth* now Queen of *England* the 38th. at *Chedington* aforeſaid, by his Indenture ſealed with his Seal, and to the Court of the ſaid Lady the Queen that now is ſhewed, bearing date the ſame day and year, demiſed, granted, and to Farm Let to the aforeſaid *David Loyd*, The Rectory of the Pariſh Church of *Chedington* aforeſaid, and 60. Acres of Lands with the Appurtenances in *Chedington* aforeſaid; To have and to hold the Rectory and Tenements aforeſaid with the Appurtenances to the ſaid *David Loyd*, and his Aſſignes, from the day of the date of the Indenture aforeſaid, unto the end and Term of 3. years, then next following, and fully to be compleated; By virtue of which demiſe, The ſaid *David Loyd* into the Rectory and Tenements aforeſaid with the Appurtenances aforeſaid, did enter and was thereof poſſeſſed, untill the ſaid *William* afterwards, that is to ſay, the 10th. day of *Aprill*, in the year above ſaid, at *Chedington* aforeſaid, with force and armes, *&c.* into the Rectory and Tenements aforeſaid with the Appurtenances, upon the poſſeſſion of the ſaid *David Loyd*, thereof did enter, and the ſaid *David Loyd* from his Farm aforeſaid thereof (his Term aforeſaid not yet ended) ejected, expelled, and amoved, and him the ſaid *David Loyd* from his poſſeſſion aforeſaid held out, and doth yet hold out, and other wrongs did unto him, againſt the peace of the ſaid Lady the Queen that now is, to the damage of the ſaid *David Loyd* of 20. pounds, and thereof he produceth ſute, *&c.* With this, that the ſaid *David Loyd* will aver, That the aforeſaid *David Roberts*, then Rector of the Pariſh Church aforeſaid, is living, and is in full life, *&c.* at *Chedington* aforeſaid, *&c.* And now at this day, *Saturday* next after 8. dayes of St. *Michael* this ſame Term, until which day the ſaid *William* had licenſe to the Bill aforeſaid to imparle, and then to anſwer, *&c.* before the Lady the Queen at *Weſtminſter* cometh as well the aforeſaid *David Loyd* by his Attorny aforeſaid, as the ſaid *William* *Buck. ſſ.*

liam by *Richard Bedfield* his Attorny, And the ſaid *VVilliam* defendeth the force and injury when, *&c.* And ſaith that he is not thereof guilty, and of this he putteth himſelf upon the Countrey, And the ſaid *David* likewiſe, *&c.* Therefore a Jury before the Lady the Queen at *VVeſtminſter*, *Saturday* next after 1 .moneth of *St. Michael*, and who, *&c.* And becauſe, *&c.* the ſame day is given to the parties aforeſaid there, *&c.* Of which day, The Jury aforeſaid, between the parties aforeſaid, was put between them in reſpite, before the Lady the Queen at *VVeſtminſter*, unto *Thurſday* next after the moneth of *Eſter* then next following, for want of Jurors, *&c.* At which day before the Lady the Queen at *VVeſtminſter*, come as well the ſaid *David Loyd*, as the ſaid *VVilliam VVilkinſon* by their Attornies aforeſaid, and the Jurors of the ſaid Jury being called, alſo appeared, Who to ſay the truth of the premiſes being choſen, tryed, and ſworn, As to the ſaid 60. Acres of Lands, above in the Declaration aforeſaid ſpecified, ſay upon their Oath aforeſaid, That the ſaid *VVilliam VVilkinſon* is not thereof of the Treſpaſſe and Ejectment aforeſaid guilty, as the ſaid *VVilliam* above in pleading hath alleged; And as to the Rectory aforeſaid, with the Appurtenances in the Declaration aforeſaid likewiſe ſpecified, The Jurors aforeſaid likewiſe ſay upon their Oath aforeſaid, That long before the time in which it was ſuppoſed the Treſpaſſe and Ejectment aforeſaid to be done, That is to ſay, The ſecond day of *March*, in the Reign of the Lord *Edward* late King of *England* the 6th. the ſecond, One *Nicholas Fitz-williams* Clerk, was Rector of the Pariſh Church of *Chedington*, otherwiſe *Chettington* foreſaid, And that the ſaid *Nicholas* being Rector of the ſaid Church before the time in which, *&c.* that is to ſay, the ſecond day of *March*, in the ſecond year aforeſaid, at *Chedington* aforeſaid, by his Indenture made at *Chedington* aforeſaid, between the ſaid *Nicholas*, by the name of *Nich. Fitz-williams*, Rector of the Pariſh Church of *Chedington*, in the County of *Buck.* of the one party, and *Elizabeth Elderker* Widow, *Ralph Elderker*, *VVilliam Elderker*, and *Thomas Elderker*, by the name of *Elizabeth Elderker* Widow, late Wife of *VVilliam Elderker*, *Gent.* deceaſed, *Ralph Elderker*, *VVilliam Elderker*, and *Thomas Elderker*, Sons of the Body of the firſt named *VVilliam* and *Elizabeth* lawfully begotten, of the other part, which part, with the Seal of the ſaid *Nicholas*, ſealed to the Jurors aforeſaid here was ſhewed in Evidence, gave, granted, and to Farm had letten to the ſaid *Elizabeth Elderker*, the Rectory and glebe Lands of the Church aforeſaid, To have and to hold the ſaid Rectory and glebe Lands, with all Fruits, Oblations, Obverſions, Tithes, Rights, with the Appurtenances and Commodities whatſoever, to the ſaid Rectory in any manner belonging or appertaining to the ſaid *Elizabeth*, from the aforeſaid ſecond day of *March*, in the ſecond year aforeſaid, untill the end, and during the Term of 80. years, from thence, and immediately following the date of the ſaid Indenture, if the aforeſaid *Elizabeth* ſhould ſo long live, and ſhould not alien, grant, or give the ſaid Demiſe or Term; And if it ſhould happen the aforeſaid *Elizabeth*, within the ſaid Term of 80. years to dye, or to alien, give or grant the Premiſes, That then the Eſtate of the ſaid *Elizabeth* ſhould ceaſe, And then the ſaid *Nicholas* by his Indenture aforeſaid gave, granted, and demiſed, all and ſingular the premiſes for ſo many years, as then ſhould remain unexpired after the death of the ſaid *Elizabeth*, or the alienation of the

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ſaid *Elzabeth*, to the aforeſaid *Ralph*, for and during the reſidue of the ſaid Term of the ſaid 80. years, (if he ſhould ſo long live) without making any alienation, grant, or gift, of the ſaid Term, And if it ſhould happen he to dye, or to alien the premiſes within the Term aforeſaid, that then his Eſtate ſhould ceaſe, And then the ſaid *Nicholas* by his Indenture aforeſaid, gave and granted all and ſingular the premiſes to the aforeſaid *VVil.* for and during ſo many years of the ſaid Term of 80. that then ſhould remain, if he ſhould live ſo long, and ſhould not alien the ſaid Term, and if it ſhould happen the ſaid *VVilliam* to dye, or to alien the Premiſes within the aforeſaid Term, that then his Eſtate ſhould ceaſe, And then the ſaid *Nicholas*, by his Indenture aforeſaid, gave and granted all and ſingular the premiſes, for and during ſo many years of the aforeſaid 80. years, as then ſhould continue and remain unexpired, to the aforeſaid *Thomas*, his Executors and Aſſignes, as by the ſaid Indenture ſhewed to the Jurors aforeſaid, in Evidence amongſt other things it more plainly appeareth. And further, the Jurors aforeſaid, upon their Oath aforeſaid, ſay, That the aforeſad Lord *Edward*, late King of *Englaud*, after wards and before the time in which, *&c.* That is to ſay, the 12 th day of *September*, in the 3d. year of his Reign, the aforeſaid *Nicholas* then being Rector of the Church aforeſaid, by his Leters Patents under his great Seal of *England*, and in due manner made, bearing date at *Weſtminſter*, the ſaid 12th. day of *September*, in the 3d. year of his Reign aforeſaid, (the aforeſaid Lord the King then being true Patron of the ſaid Rectory) Seeing, Reading, and Examining, the Indenture aforeſaid, of his ſpeciall Grace, certain Knowledge and meer mention, as alſo with the Advice and Conſent of the Beloved Uncle of the aforeſaid Lord the King, the Duke of *Somerſet*, Governour of the perſon of the King, and Protector of the Kingdoms, Dominions, and Subjects of the ſaid King, and of other of the Council of the ſaid King before, and eſpecially in Conſideration of the moſt excellent preſent ſervice then to the King in his Warrs, then and ſole in the beating back of the *Scots*, which then late happened at *Naſeborough*, in which War, the aforeſaid *William Elderker*, of forethought Malice was ſlain, the ſaid Indenture, and all in the ſame ſpecified, and all the Right, Title, and Intereſt of the ſame, *Elizabeth Elderker*, *Ralph Elderker*, *William Elderker*, and *Thomas Elderker*, in the ſaid Rectory, Gleable Lands, Fruits and other things, in the ſame Indenture expreſſed, with the Appurtenances, To have and to hold the ſaid Rectory to the ſaid *Elizabeth*, *Ralph*, *William*, and *Thomas*, and their Aſſignes, had confirmed, and ratified, and in all things as much as in him was, had approved for him and his Succeſſors: And further, the Jurors aforeſaid, ſay upon their Oath aforeſaid, that afterwards, that is to ſay, the 21 day of *January*, in the Reign of the ſaid Lord *Edward* the 3d. aforeſaid, the ſaid *Nicholas* being then Rector of the Church aforeſaid, One *Henry*, by Divine Providence, Biſhop of *Lincolne*, and of the Rectory and Church aforeſaid, of *Chedington* aforeſaid, Ordinary, the Demyſe or Grant aforeſaid, by the ſaid *Nicholas* before is ſaid, made, & all & ſingular in the ſame contained, for him and his Succeſſors, confirmed, ratified, & as much as in him was approved, To have, hold, and enjoy to the aforeſaid *Eliz. Ralph*, *Wil. Elderker*, & *Th. Elderker*, during the Term aforeſaid, as by the ſaid ſeveral Confirmations in due manner made, and to the Jurors

rors aforeſaid ſhewed, more fully appeared, By colour of which Demyſe, and ſeveral Confirmations aforeſaid, in form aforeſaid made, the aforeſaid *Elizabeth Elderker* into the Rectory aforeſaid, and the Glebe Lands aforeſaid, with the Appurtenances did enter, and was thereof poſſeſſed; And ſhe thereof being ſo poſſeſſed, The ſaid *Nicholas Fitz-williams* afterwards and before the time in which, *&c.* that is to ſay, the 10th. day of *January*, in the year of the Reign of the Lady *Mary*, late Queen of *England* the firſt, at *Chedington* aforeſaid, then being Rector of the Pariſh Church of *Chedington* aforeſaid, dyed: And the Jurors aforeſaid, ſay upon their Oath aforeſaid, that the ſaid *Thomas Elderker* afterwards, that is to ſay, the 10th. day of *June*, in the yeer of the Reign of the ſaid Lady *Elizabeth*, now Queen of *England* the 16th. at *Greenwich*, in the County of *Kent*, dyed inteſtate, the ſaid *Elizabeth* of the Rectory aforeſaid, and of the Glebe Lands aforeſaid with the Appurtenances, in form aforeſaid being poſſeſſed; And the ſaid *Elizabeth* being thereof ſo poſſeſſed, the aforeſaid *William Elderker* afterwards, that is to ſay, the 8th. day of *July*, in the year of the Reign of the ſaid Lady the Queen that now is, the 17th. likewiſe dyed: And the aforeſaid *Elizabeth Elderker*, ſo of the Rectory and Glebe Lands, aforeſaid poſſeſſed as is ſaid, afterwards, That is to ſay, The 20th. day of *July*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 17th. aforeſaid, at *Chedington* aforeſaid, the ſaid *Eliz. Elderker* likewiſe dyed, and the ſaid *Ralph Elderker* did over-live her, and into the Rectory aforeſaid, and the Glebe Lands aforeſaid, with the Appurtenances, By virtue of the Demyſe aforeſaid, likewiſe entred and was thereof poſſeſſed, and ſo being thereof poſſeſſed, the ſaid *Ralph Elderker* afterwards, that is to ſay, the 10th. day of *May*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 18th. at *Chedington* aforeſaid, dyed inteſtate: And the Jurors aforeſaid ſay, upon their Oath aforeſaid, that after and before the time in which, *&c.* that is to ſay, the 19th. day of *January*, 1576. Adminiſtration of all and ſingular the goods, Chattels, Rights and Credits, which were of the aforeſaid *Thomas* at the time of his death by *William South* Doctor of Law, Commiſſary and Official of the Arch of *Buckingham*, to one *Anne Hethrington* then wife of *Ralph Hethrington* and then the late Widow of the ſaid *Ralph Elderker* at *Chedington* aforeſaid was committed, By virtue of which committing of the Adminiſtration aforeſaid, the aforeſaid *Ralph Hethrington* and *Ann* his wife into the Rectory aforeſaid, and the glebe Lands aforeſaid, with their appurtenances, did enter and were thereof poſſeſſed, and the ſaid *Ralph Hethrington* and *Anne* his wife, ſo thereof poſſeſſed, the ſaid *Ralph Hethrington* and *Anne* afterwards, that is to ſay, the 28 day of *March* in the year of the Reign of the ſaid Lady the Queen that now is the 19. at *Chedington* aforeſaid, by a certain Indenture made between the aforeſaid *Ralph Hethrington*, and *Anne* his wife, by the names of *Ralph Hethrington* of *Sheale* in the County *Leceſter* Gentleman, and *Anne* his wife late wife of *Ralph Elderker*, deceaſed, of the one parte, and one *Ralph Celey* by the name of *Ralph Geley* of *London* Mercer, of the other parte, one parte whereof ſealed with the Seals of the ſaid *Ralph Hetherington*, and *Anne*, ſealed to the Jurors aforeſaid, in evidence likewiſe ſhewed, for the Conſideration in the ſaid Indenture ſpecified, had, bargained, ſold aſſigned and ſet over, to the ſaid *Ralph Celey*, his Executors, Adminiſtrators,

tors and assignes, all the Interest, Title, Estate and Term of years then to come and unexpired, in and to the Rectory aforesaid, and the gleabe Lands aforesaid with the appurtenances, to have and to hold to the one lie and proper behoof, and use of the said *Ralph Celey*, his Executors and assignes for ever; By virtue of which Assignement the said *Ralph Celey* into the Rectory aforesaid and the glebe Lands aforesaid with the appurtenances entred, and was thereof possessed: And the Juros aforesaid farther say upon their Oath aforesaid, that after, and before the time in which, *&c.* that is to say, the 16th. day of *May* in the year of our Lord 1577 for that the said *Thomas Elderker* while he lived, and at the time of his death had diverse goods, and Chattels, rights and Credits, in diverse Dioceses, or Jurisdictions, administration of all and singular the goods Chattels, rights and Credits, which were of the said *Thomas* at the time of his death by *Edmund* by divine providence Arch Bishop of *Canterbury* of all *England Primat and Metropolitan* aforesaid to the said *Ann Hethrington* then the wife of the said *Ralph Hethrington*, and then late late the widow of the said *Ralph Elderker* deceased, late natural and lawfull Brother of the said *Thomas Elderker*, at *London*, that is to say, in the Parish of the blessed *Mary* of *Bow*, in the Ward of Cheap *London*, was committed: And the Jurors aforesaid farther say upon their Oath aforesaid, That the said *Ralph Celey*, so being possessed, the said *Ralph Hethrington*, *Ann* his wife, and the said *Ralph Celey*, afterwards, that is to say the 20th. day of *May* in the year of the Reign of the said Lady the Queen that now is the 19th. at *Chedington* aforesaid, by their certain Indenture with the Seal of the said *Ralph Celey* sealed, and to the Jury aforesaid given and shewed in evidence, bearing date the said 20 day of *May* in the 19 year aforesaid, for the Considerations in the said Indenture specified, gave, granted, bargained and aliened to one *John Eden*, all the Interest, Title, Estate & their Term of years, then of & in the aforesaid Rectorie & gleabe Lands with the appurtenances to come and unexpired, to have and to hold to the said *John Eden* his executors and assignes during the residue of the aforesaid Term, of the aforesaid 80 years, as before is said, granted: By virtue of which assignment, the said *John Eden*, into the Rectory aforesaid, and the gleabe Lands aforesaid, with the appurtenances, entred and was thereof possessed; and the Jurors aforesaid, further upon their Oath aforesaid say, that the said *John Eden* being so seised of the Rectorie aforesaid, and of the gleabe Land aforesaid with the appurtenances, afterwards, that is to say, the 12 day of *May* in the year of the Reign of the said Queen that now is the 29 at *Chedington* aforesaid, in the County aforesaid, by his Indenture, Sealed with his Seal and to the Jurors aforesaid likewise shewed in evidence, whose date is the same 12 day of *May* in the 29 year aforesaid, bargained, sold, and assigned to one *Thomas Tarsburgh* Esquire, all his Interest and Term of years then to come and unexpired, of and in the Rectorie aforesaid, and the gleabe Lands aforesaid with the appurtenances: by reason of which, the said *Thomas Tarsburgh* into the Rectorie aforesaid with the appurtenances entred and was thereof possessed: And the Jurors aforesaid say upon their Oath aforesaid, that the said *Thomas Tarsburgh* being thereof so possessed, afterwards and before the time in which, *&c.* that is to say, the 23 day of *November* in the year of the Reign of the said

Lady the Queen that now is the 36, at *Chedington* aforeſaid, in the County aforeſaid, by his Indenture with the Seal of the ſaid *Tarsburgh* Sealed, and to the Jurors aforeſaid in evidence likewiſe ſhewed, granted, bargayned, alliened and aſſigned, all his Right, Title, Intereſt, and Term of years then to come of and in the Rectory aforeſaid and the glebe Lands aforeſaid with the appurtenances to one *John Agmondesham* Eſquire; By virtue of which the ſaid *John Agmondesham* into the Rectory aforeſaid and the gleabe lands aforeſaid with the appurtenances entred and was thereof poſſeſſed: And the Jurors aforeſaid farther ſay upon their Oath aforeſaid, that the ſaid *John Agmondesham* ſo being thereof poſſeſſed, afterwards and before the time in which, *&c.* that is to ſay, the 27 day of *November* in the year of the Reign of the ſaid Queen that now is the 36th. at *Chedington* aforeſaid by his Indenture Sealed with the Seal of the ſaid *John Agmondesham*, and to the Jurors aforeſaid here in Evidence likewiſe ſhewed, , demyſed the Rectorie aforeſaid and the glebe Lands aforeſaid with the appurtenances, to the aforeſaid *Thomas Tarsburgh* Eſquire, to have to the ſaid *Thomas* and his aſſignes, from the ſaid 27th. day of *November*, in the 36th. year aforeſaid, until the 26th. day of *March* which then ſhould be in the year of our Lord 1595. By virtue of which demiſe the aforeſaid *Thomas Tarsburgh* into the Rectorie aforeſaid, and glebe Lands aforeſaid with the appurtenance, entred, and was thereof poſſeſſed; And the ſaid *Thomas Tasburgs* thereof being ſo poſſeſſed, and the ſaid *John Agmondesham* ſo as is ſaid of the reſidue of the ſaid Term of 80 years then to come being poſſeſſed, The ſaid *John Agmondesham* afterwards, that is to ſay, the 17th. day of *February* in the 36th. year aforeſaid, at *Chedington* aforeſaid, demiſed, granted and to Farm let, the Rectorie aforeſaid, and the glebe Lands aforeſaid with the appurtenances, to one *Michael Weſton*, To have and to hold, unto the ſaid *Michael* and his aſſigns from and immediately after the end, expiration and determination of the ſaid demiſe, to the ſaid *Thomas Tasburgs* by the aforeſaid *John Agmondesham* as is ſaid, made until the end and Term of 21 years from thence next following fully to be compleated, if the ſaid *Michael Weſton*, and one *Margaret Bromley*, or any of them ſhould ſo long live: By virtue of which demiſe the ſaid *Michael Weſton* afterwards and before the time in which, *&c.* that is to ſay the 26 day of *March* in the year of our Lord 1595 at *Chedington* aforeſaid, into the Rectory aforeſaid, and glebe Lands aforeſaid, with the appurtenances, entred and was thereof poſſeſſed: and ſo being thereof poſſeſſed, the ſaid *Michael* afterwards and before the time in which, *&c.* that is to ſay, the 22 day of *May* in the year of the Reign of the Queen that now is the 37 at *Chedington* aforeſaid, by his Indenture with the ſeal of the ſaid *Michael* ſealed, and to the Jurors aforeſaid in evidence ſhewed, Granted and aſſigned all his Intereſt Eſtate, Term of years and demand then to come and unexpired of and in the Rectorie aforeſaid, and gleabe Lands aforeſaid, with the appurtenances, to the ſaid *William Wilkinſon* now defendant, By virtue of which grant, the ſaid *William* into the Rectorie aforeſaid and the glebe Lands aforeſaid with the appurtenances entred, and was thereof poſſeſſed: and the ſaid *William*, ſo being poſſeſſed, the ſaid *David Roberts* Clerk, afterwards and before the time in which, *&c.* that is to ſay, the 11 day of *January* in the Reign of the ſaid Lady the Queen

that

that now is the 38th. to the Rectory of *Chedington* aforeſaid, was lawfully preſented, admitted, inſtituted, and Inducted; By virtue of which the ſaid *David Roberts*, into the Rectory aforeſaid with the Appurtenances, entred, & was thereof poſſeſſed in his Demeſn as of Fee in the right of his Church of *Chedington* aforeſaid, And ſo being ſeized, afterwards & before the time in which, *&c.* that is to ſay, the 26th. day of *March*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 38th. aforeſaid, by Indenture in the Declaration aforeſaid ſpecified, Demiſed the Rectory aforeſaid, with the Appurtenances in the Declaration likewiſe mentioned, to the aforeſaid *David Loyd*, To have and to hold, to the aforeſaid *David Loyd*, from the day of the date of the ſame Indenture, unto the end and Term of three yeers, then next following, and fully to be compleat and ended. By virtue of which Demiſe, the ſaid *Dav. Loyd* afterwards, that is to ſay, the 27th. day of *March*, in the yeer of the ſaid Lady the Queen that now is, the 38th. into the Rectory aforeſaid, with the Appurtenances, entred, and was thereof poſſeſſed, untill the ſaid *William Wilkinſon* afterwards, that is to ſay, the ſaid 10th. day of *April*, in the 38th. yeer aforeſaid, into the Rectory aforeſaid, with the Appurtenances, upon the poſſeſſion of the ſaid *David* thereof entred, and him the ſaid *David*, from thence, his Term aforeſaid not yet ended, did eject, expell, and amove, as the ſaid *David Loyd* above againſt him complaineth: And further, the Jurors aforeſaid, ſay upon their Oath aforeſaid, That as well the ſaid *David Roberts*, as the ſaid *Michael Weſton*, are yet alive, and in full life, that is to ſay, at *Chedington* aforeſaid: But whether upon the whole matter aforeſaid, in form aforeſaid found, the re-entry of the ſaid *VVilliam VVilkinſon*, into the Rectory aforeſaid with the Appurtenances, in the Declaration aforeſaid above ſpecified, upon the poſſeſſion of the ſaid *David Loyd*, thereof in manner aforeſaid made, be, or in Law ought to be adjudged a good and lawfull re-entry in Law or not, the Jurors aforeſaid are utterly ignorant; Whereupon they pray thereof the advice and diſcretion of the Court of the ſaid Lady the Queen that now is, before the ſaid Lady the Queen her ſelf being: And if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the ſaid Court of the ſaid Lady the Queen, That the aforeſaid re-entry of the aforeſaid *VVil. VVilkinſon*, into the ſaid Rectory aforeſaid, with the appurtenances, in which, *&c.* upon the poſſeſſion of the ſaid *David Loyd*, be not a good & lawful re-entry in Law, then the Jurors aforeſaid, ſay upon their oath aforeſaid, That the aforeſaid *William VVilkinſon*, the ſaid *David Loyd*, from his Farm aforeſaid, of the Rectory aforeſaid, with the appurtenances in which, *&c.* unjuſtly did eject. And that the Ejectment aforeſaid, & the Treſpaſs in the Declaration aforeſaid ſpecified, as unto the Rectory aforeſaid with the appurtenances, the ſaid *VVil. VVilkinſon* is guilty in manner and form, as the ſaid *David Loyd* above declaring hath alleged. And then they aſſeſſe the damages of the ſaid *David*, by the occaſiõ of the Ejectment and Treſpaſs in the Rectory aforeſaid, with the appurtenances, beſides his charges and coſts, by him in the Sute aforeſaid in this behalf expended, to 3. ſhillings, and 4. pence, and for his coſts and charges to 12. pence. And if upon the whole matter aforeſaid, It ſhall ſeem to the ſaid Court of the ſaid Lady the Queen here, that the ſaid entry of the ſaid *VVilliam VVilkinſon* into the Rectory aforeſaid with the appurtenances, upon the

poſſeſſion of the ſaid *David* thereof, in the from aforeſaid made, be a good and lawful re-entry in Law, Then the aforeſaid Jurors ſay upon their Oath aforeſaid, That the ſaid *VVilliam VVilkinſon* is not guilty of the Treſpaſſe and Ejectment of the Farm aforeſaid, as to the Rectory aforeſaid with the appurtenances, as the aforeſaid *VVilliam VVilkinſon* above in pleading hath alleged. And becauſe the Court of the ſaid Lady the Queen that now is, here of their Judgement of and upon the premiſes to be given, are not yet aviſed, day is given to the parties aforeſaid, before the ſaid Lady the Queen at *VVeſtminſter*, untill *Fryday* next after the morrow of the *Holy Trinity*, to hear their Judgement thereof, *&c.* becauſe the Court of the ſaid Lady the Queen here are not yet, *&c.* At which day, before the ſaid Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid; And becauſe the Court of the ſaid Lady the Queen, here of their Judgement of and upon the premiſes to be given is not yet aviſed, Further day is given to the parties aforeſaid, before the ſaid Lady the Queen at *Weſtminſter*, untill *Monday* next after 8. dayes of St. *Michael*, to hear their Judgement thereof, *&c.* becauſe the Court of the ſaid Lady the Queen here thereof yet, *&c.* At which day, before the ſaid Lady the Queen at *VVeſtminſt.* come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen that now is, of giving their Judgement of and upon the premiſes are not yet aviſed, Further day is given to the parties aforeſaid, before the ſaid Lady the Queen at *VVeſtminſter*, untill *Monday* next after 8. dayes of St. *Hillary*, to hear their Judgement, becauſe the Court of the ſaid Lady the Queen that now is here thereof are not yet, *&c.* At which day, before the ſaid Lady the Queen at *VVeſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen that now is of giving their Judgement of and upon the premiſes are not yet aviſed, Further day is given to the parties aforeſaid, before the ſaid Lady the Queen at *VVeſtminſter*, untill *VVedneſday* next after 15. dayes of *Eaſter*, to hear their Judgement thereof, becauſe the Court of the ſaid Lady the Queen here thereof not as yet, *&c.* At which day, before the Lady the Queen at *VVeſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen that now is, of giving their Judgement of and upon the premiſes are not yet aviſed, Further day is given to the parties aforeſaid, before the ſaid Lady the Queen at *VVeſtminſter*, untill *Fryday* next after the morrow of the *Holy Trinity*, to hear their Judgement thereof, becauſe the Court of the ſaid Lady the Queen that now is thereof not yet, *&c.* At which day, before the ſaid Lady the Queen at *VVeſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe this Court of the ſaid Lady the Queen that now is here, of giving their Judgement of and upon the premiſes are not yet aviſed, Further day is given to the parties aforeſaid, before the ſaid Lady the Queen at *Weſtminſter*, untill *Monday* next after 8. dayes of St. *Michael*, to hear their Judgement, becauſe the Court of the ſaid Lady the Queen here thereof not yet, *&c.* At which day, before the ſaid Lady the Queen at *VVeſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, Upon which ſeen, and by the Court of the ſaid Lady the Queen that now is here, diligently looked into, and fully underſtood all and

ſingular

ſingular the premiſes, and mature deliberation being thereupon had; Becauſe it ſeemeth to the Court of the ſaid Lady the Queen now is here, That the aforeſaid re-entry, of the aforeſaid *VVilliam VVilkinſon*, into the ſaid Rectory, with the Appurtenances in which, *&c.* upon the poſſeſſion of the ſaid *David Loyd*, is not good and a lawful re-entry in Law, It is granted that the ſaid *David Loyd*, ſhall recover againſt the ſaid *VVilliam VVilkinſon* his Term aforeſaid, of and in the Rectory aforeſaid, with the appurtenances yet to come, And his damages by the Jurors in form aforeſaid aſſeſſed: And that the ſaid *VVilliam VVilkinſon* be taken, *&c.* And likewiſe the ſaid *David* in mercy, to the reſidue of the Treſpaſs and Ejectment aforeſaid, whereof the ſaid *VVilliam VVikinſon* in form aforeſaid ſtands acquitted; And the ſaid *VVilliam VVilkinſon* thereof be acquitted, *&c.*

Michelmas Term, 41. & 43. *Elizabeth*, Rott. 144. in the KINGS BENCH, *Bingams* Caſe, *C.* 2. *part fol.* 82.

MEmorandum, That at another time, that is to ſay, *Eaſter Term* laſt paſt, before the Lady the Queen at *VVeſtminſter*, came *George Stroud Eſquire*, by *Simon Spatchard* his Attorny, And brought here in Court of the ſaid Lady the Queen, his Bill againſt *Ralph Horſey Knight*, *Richard Veal*, and *Edward Goor Gent.* in the Cuſtody of the *Marſhall*, *&c.* of a Plea of Treſpaſſe and Ejectment of him out his Farm: And are Pledges of Sute, that is to ſay, *John Doo*, and *Richard Roo*, Which Bill followeth in theſe words. *Dorſ. ff. Dorſet. George Stroud Eſquire*, complaineth of *Ralph Horſey Kt. Rich. Veal*, and *Edw. Goor*, For that, That is to ſay, That whereas one *VVilliam Albert* the 7th. day of *April* in the year of the Reign of the Lady the Queen that now is, 41. at *Melcum* in the County aforeſaid, had demiſed granted and to Farm letten to the aforeſaid *George* one meſſuage, 120. acres of Lands, 40 Acres of Meadow, 200. Acres of Paſture, and 100. Acres of Furze and Heath, with the Appurtenances, in *Melcum* aforeſaid, in the County aforeſaid; To have and to hold the Tenements aforeſaid with the Appurtenances, unto the ſaid *George*, and his Aſſigns, from the Feaſt of the *ANNUNCIATION* of the bleſſed Lady the Virgin *MARY*, then laſt paſt, untill the end and Term of 6. years and a half of a year, from thence next inſuing fully to be compleat and ended: By virtue of which demiſe the ſaid *George* into the Tenements aforeſaid with the appurtenances entred, and was thereof poſſeſſed, until the aforeſaid *Ralph Horſey*, *Richard Veal*, and *Edward Goor*, after, that is to ſay, the 11th. day of *April* in the 41 year aforeſaid, with force and arms, *&c.* into the Tenements aforeſaid, with the appurtenances, upon the poſſeſſion of the ſaid *George*, thereof did enter, and the ſaid *George* from his Farm aforeſaid, thereof (his term aforeſaid not being ended) did eject, expel, and amove, and the ſaid *George* from his poſſeſſiion thereof, did hold out, and do yet hold out, and other harms did unto him againſt the peace of the ſaid Lady the Queen, to his damage of 100 pound, and thereof he bringeth ſute, *&c.* And now at this

this day, that is to ſay, *Tuſeday* next, after 8 dayes of Saint *Michael*, this Term, untill which day the aforeſaid *Ralph Horſey*, *Richard Veal*, and *Edward Goor*, had Licence to imparl to the ſaid Bill, and then to Anſwer, *&c.* before the Lady the Queen at *Weſtminſter*, come aſwell the ſaid *George Stroud*, by his Attorney aforeſaid, as the aforeſaid *Ralph Horſey*, *Richard Veal*, and *Edward Goor*, by *James Hyde* their Attorny, and the ſaid *Ralph*, *Richard*, and *Edward*, defend the force and injury, when, *&c.* and ſay, that they are not thereof guilty: and upon that put themſelves upon the County, and the aforeſaid *George Stroud* likewiſe, *&c.* Therefore a Jury thereof before the ſaid Lady the Queen at *Weſtminſter*, upon *wedneſday* next, after 8 days of Saint *Hillary*, and who neither, *&c.* to know, *&c.* Becauſe aſwell, *&c.* The ſame day is given to the parties here, *&c.* ſſ. Afterwards proceſs continued between the parties aforeſaid, of the plea aforeſaid, by Juries put between the parties aforeſaid, in reſpit, before the ſaid Lady the Queen, at *Weſtminſter*, until *wedneſday* next after 18 dayes of *Eaſter*, unleſs firſt the Juſtices of the Lady the Queen to take aſſiſes in the County firſt upon *Monday* the 3 weak of *Lent* at *Dorcheſter* in the County aforeſaid, by the form of the ſtatute, *&c.* come for default of Jurors, *&c.* At which *Wedneſday*, before the Lady the Queen at *Weſtminſter* came the parties aforeſaid, by their Attornies aforeſaid, And the aforeſaid Juſtices of Aſſiſe, before whom, *&c.* ſent thither their Record before them, had in theſe words ſſ. Afterwards, the day and place within conteyned before *Thomas Walmſley* one of the Juſtices of the Lady the Queen of the Bench, and *Edward Fennes* one of the Juſtices of the ſaid Lady the Queen of pleas before the Queen her ſelf holden aſſigned, Juſtices of the ſaid Lady the Queen to take Aſſiſes in the County of *Dorſet* aſſigned by the form of the ſtatute, *&c.* came aſwell the within named *George Stroud* Eſquire by *Thomas Clayton* his Attorny, as the within named *Ralph Horſey* Knight, *Richard Veal*, and *Edward Goor* by *Henry Collier* their Attorny, and the Jurors of the Jury whereof within mention is made ſome of them appeared, and ſome of them did not appear as it appeareth in the pannel, *&c.* and ſome of the Jurors now appearing, that is to ſay, *Richard Ham*, *Thomas Tooner*, *John Burt*, *Henry Harbyn* Gentleman, *John Young* Gentleman, *John Butler* Gentleman, *William Withington*, *John Payn*, and *Chriſtorher Dolling* in the Jury aforeſaid are ſworn: and ſome of the ſaid Jurors now appearing, that is to ſay, *Thomas Heal*, *Edward Carter*, *Robert Chippe*, *Henry Squib*, and *George Frome*, becauſe they between the parties aforeſaid are found to be ſuſpicious, from the pannel aforeſaid they were utterly drawn out, and becauſe the reſt of the Jurors of the ſaid Jury did not appear, therefore others of the ſtanders by, by the Sheriff aforeſaid, to that being choſen at the requeſt of the ſaid *George Stroud*, and by the Command of the Juſtices aforeſaid, were of new put, whoſe names to the pannel within written are fyled according to the form of the ſtatute in ſuch caſe thereof late made and is provided, and the Jurors ſo new put, that is to ſay, *Clement Jay*, *Nicholas Brown*, and *Thomas Eyres* being called likewiſe appeared, who to ſay the truth of the matters within conteyned together with the other Jurors aforeſaid firſt impanelled, Choſen, tryed and ſworn, ſay upon their Oath aforeſaid, that the Tenement within written in which it is ſuppoſed the Treſpaſs and Ejectment

ment within written to be, are and time whereof the memory of men is not to the Contrary, were parcel of the Mannor of Nether *Melcum*, otherwiſe called *Melcum Bingham*, with the appurtenances, and that the ſaid Mannor of Neither *Melcum* otherwiſe *Melcum Bingham*, with the appurtenances whereof, *&c.* lyeth within the Pariſh of *Melcum* in the County aforeſaid, and that before the time within written in which the Treſpaſs and Ejectment within written was ſuppoſed to be done, one *Robert Bingham* the elder was ſeiſed for the aforeſaid Mannor of Nether *Melcum*, otherwiſe *Melcum Bingham* with the appurtenances whereof, *&c.* in his demeſne as of Fee, and ſo thereof ſeiſed, held the ſaid Mannor with the appurtenances of one *John Hroſey* Knight as of his Mannor of *Melcam* otherwiſe *Horſeys Melcum*, otherwiſe *Starges Melcum*, in the County aforeſaid by Knight ſervice, that is to ſay, by Homage and Fealty, and Eſcuage to the Lady the Queen of 40. ſhillings when it ſhould happen 2. ſhillings, and for more more, and leſs leſs, *&c.* and the ſaid *Robert Bingham* being ſo ſeiſed, before the time within written in which, *&c.* that is to ſay, the morrow of the Holy *Trinity*, in the year of the Reign of the ſaid Lady the Queen that now is the 12, a fine was levyed in the Court of the ſaid Lady the Queen at *Weſtminſter* in the County of *Middleſex*, before *James Dyer*, *Richard Weſton*, *Richard Harper* then Juſtices of the ſaid Lady the Queen of the Bench, and other the Queens faithfull people then preſent, between *Thomas Buckley* and *Henry Gawen* Gentlemen plaintifs, and the ſaid *Robert Bingham* the Elder *Deforceant* Of the Mannor of Neither *Melcum* otherwiſe *Melcum Bingham* aforeſaid with the appurtenances, whereof, *&c.* by the names of the Mannor of Nether *Melcum* otherwiſe *Melcum Bingham* aforeſaid with the appurtenances, and 5 Meſſuages 4 Tofts, 4 Barns, 5 Gardens, 2 Orchards, 120 Acres of Land, 30 Acres of Meadow, 300 Acres of paſture, 8 Acres of Wood, and 20 Acres of Furze and Heath with the appurtenances in Nether *Melcum* othe rwiſe *Binghams Melcum*, whereupon a plea of Covenant was between them in the ſaid Court, that is to ſay, that the ſaid *Robert Bingham* did acknowlege the ſaid Mannor and Tenements with the appurtenances to be the right of the ſaid *Thomas Buckley* as that with the ſaid *Thomas Buckley* and *Henry Gawen*, had of the gift of the ſaid *Robert Bingham*, and then releaſed and quit claimed from him and his heirs to the ſaid *Thomas Buckley* and *Henry Gawen*, and the heirs of the ſaid *Thomas* for ever: And afterwards the ſaid *Robert Bingham* granted for him and his heirs that they would warrant to the ſaid *Thomas Buckley* and *Henry Gawen*, and to the heirs of the ſaid *Thomas*, the aforeſaid Mannor and Tenements with the appurtenances againſt all men for ever, the Tenor of which Fine followeth in theſe: ſſ. *Dorſet*: ſſ. This is a final concord made in the Court of the Lady the Queen at *Weſtminſter* in the morrow of the holy *Trinity*, in the year of the Reign of *Elizabeth* by the grace of God of *England France* and *Ireland* Queen defender of the faith, *&c.* from the Conqueſt the 12th. before *James Dyer*, *Richard Weſton*, and *Richard Harper* Juſtices, and other the Queens faithfull people there preſent, Between *Thomas Buckley* and *Henry Gawen* Gentlemen, plaintifs, and *Robert Bingham* Eſquire, *Deforceant* of the Mannor of Neither *Melcum* otherwiſe *Binghams Melcum*, with the appurtenances, and of 5 Meſſuages, 4 Tofts, 4 Barns, 5 Gardens, 2 Orchards, 120 Acres of Land, 30

Acres

Acres of Meadow, 100 Acres of paſture, 8 Acres of wood, and 20 Acres of Furz and Heath in Nether *Melcum*, otherwiſe *Binghams Melcum*, whereupon a plea of Covenant was between them in the ſaid Court, that is to ſay that the ſaid *Robert* acknowleged the aforeſaid Mannor & Tenements with the appurtenances to be the right of the ſaid *Thomas*, and thoſe which the ſaid *Thomas* and *Henry* had of the gift of the aforeſaid *Robert*, and the ſame releaſed and quit claimed from him and his heirs, to the ſaid *Thomas* and *Henry*, and the heirs of the ſaid *Thomas* for ever, And farther the ſaid *Robert* granteth for him and his heirs, that they warrant to the aforeſaid *Thomas* and *Henry*, and to the heirs of the ſaid *Thomas*, the aforeſaid Mannor and Tenements with the appurtenances againſt all men for ever; and for this Recognition remiſſion and quit claym, warranty and Concord the ſaid *Thomas* and *Henry* give to the ſaid *Robert* 150 pound ſterling, which ſaid Fine of the Mannor and Tenements aforeſaid, whereof, *&c.* in form aforeſaid Levied, was had and Levyed, to the uſe of the ſaid *Robert Bingham* the Elder and *Jane* his wife, and the heirs of the ſaid *Robert* for ever, by virtue whereof, and by force of a certain Act of *Parliament* of transferring of uſes into poſſeſſion, made at *Weſtminſter* in the year of the Reign of the late King *Henry*, the 8th. of *England* the 27th. made and provided, the ſaid *Robert Bingham* the elder and *Jane* were ſeiſed of the Mannor of Nether *Melcum* otherwiſe *Binghams Melcum* aforeſaid with the appurtenances whereof, *&c.* that is to ſay, to the ſaid *Robert* and *Jane*, and the heirs of the aforeſaid *Robert* for ever, And the ſaid Jurors farther ſay, upon their Oath aforeſaid, that the ſaid *Robert Bingham* the Elder then was ſeiſed in his Demeſn as of Fee of and in the Mannor Lands and Tenements called *Melcum Binghams* ſituate in *Tollor Porcoram* in the ſaid County of *Dorſet*, and the ſaid *Robert* ſo of the Mannor and the ſaid Tenements, and of the aforeſaid Mannor of Nether *Melcum* otherwiſe *Melcum Binghams* with the appurtenances whereof, *&c.* being ſeiſed, A Fine was Levyed in the Court of the ſaid Lady the Queen that now is, at *Weſtminſter* aforeſaid, before the within written time in which, *&c.* that is to ſay, in the morrow of the holy *Trinity* in the year of the Reign of the ſaid Lady the Queen that now is the 20th. before *Iames Dyer*, *Roger Manwood*, and *Robert Mounſon*, and *Thomas Mead* then Juſtices of the ſaid Lady the Queen of the Bench, and other of the ſaid Lady the Queens faithfull people then preſent, Between *Richard Rogers* Knight, *Nicholas Furbervile*, and *John Williams* Eſquires then plaintifs, and the aforeſaid *Robert Bingham* the Elder Eſquire then deforceant of the ſaid Mannor of Nether *Melcum* otherwiſe *Melcum Binghams*, whereof, *&c.* and of the ſaid Mannor of *Melcum Binghams* with the appurtenances, by the names of the Mannor of *Melcam Bingham* and *Melcum Bingham* with the appurtenances, as alſo of 6 Meſſuages, 2 Toftes, 1300 Acres of Lands, 300 Acres of Meadow, 50 Acres of Paſture, 20 Acres of Wood, and 1000 Acres of Furz and Heath with the appurtenances in Neither *Melcam*, *Toller Porcoram*, *Magouder*, and *Haſelberry Brion* in the County of *Dorſet*, and of 3 Meſſuages, 6 Gardens, 1000 Acres of Land, 100 Acres of Meadow, 300 Acres Paſture, 300 Acres of Furz and Heath with the appurtenances in *Codford*, *Mary Codford*, *Peter Aſhton*, *Geffery Bardchalk*, *Alderbery*, *Eaſt Grimſted* and *Weſt Grimſted* in the County of *Wilts*, whereupon a plea of Covenant was ſummoned between them

them in the ſaid Court, That is to ſay, that the ſaid *Robert Bingham* the Elder acknowleged the ſaid Mannors and Tenements, with the appurtenances to be the right of the ſaid *Richard Rogers* as thoſe which the ſaid *Richard Rogers Nicholas Turbervile* and *John Williams*, had of the gift of the ſaid *Robert Bingham*, and releaſed and quit claymed from him and his heirs to the ſaid *Richard Rogers*, *Nicholas Turbervile* and *John williams*, and the heirs of the ſaid *Richard Rogers* for ever. And further the ſaid *Robert Bingham* granted for him and his heirs that the warrant to the aforeſaid *Richard Rogers*, *Nicholas Turbervile* and *John Williams*, and to the heirs of the ſaid *Richard Robers*, the aforeſaid Mannors and Tenements with the appurtenances againſt the ſaid *Roqert Bingham* and his heirs for ever, the Tenor of which fine followeth in theſe words, This is the finall Concord made in the Court of the Lady the Queen at *Weſtminſter* in the morrow of the holy *Trinity*, in the year of the Reign of *Eliz:* by the grace of God of *England*, *France*, and *Ireland* Queen defender of the Faith, *&c.* from the Conqueſt the 20th. before *James Dyer*, *Roger Manwood*, *Robert Mounſon*, and *Thomas Meade* Juſtices, and other of the Lady the Queens faithfull people then and there preſent, between *Richard Rogers* Knight, *Nicholas Turburvile* Eſquire, and *Iohn Williams* Eſquire, Complainants, and *Rober Bingham* the elder Eſquire, deforceant of the Mannors of *Melcam Bingham*, and *Wolcomb Bingham*, with the appurtenances, as alſo of 6 Meſſuages, 2 Tofts, 1300 Acres of Land, 300 Acres of Meadow, 50 Acres of paſture, 20 Acres of wood, and 1000 Acres of Furz and Heath, with the appurtenances, in Nether *Melcum*, *Toller Porcorum*, *Mapowder*, and *Haſeberry Bayan*, in the County of *Dorſet*, and of 8 Meſſuages, 3 Tofts, 6 Gardens, 1000 Acres of Land, 100 Acres of Meadow, 300 Acres of Paſture, and 300 Acres of Furz and Heath, with the appurtenances, in *Codford*, *Mary Codford*, *Peter Aſhton*, *Gyfford Burdchalke*, *Alderbury*, *Eaſt Grimſted*, and *Weſt Grimſted*, in the County of *Wilts*, whereof a plea of Covenant was ſummoned between them in the ſaid Court, that is to ſay, That the ſaid *Robert* acknowleged the Mannors and Tenements aforeſaid with the appurtenances, to be the right of the ſaid *Richard*, as thoſe which the ſame *Richard*, *Nicholas*, *and Iohn*, had of the gift of the ſaid *Robert*, and thoſe releaſed, and quit claymed from him and his heirs to the ſaid *Richard*, *Nicholas*, and *Iohn*, and to the heirs of the ſaid *Richard* the aforeſaid Mannors and Tenements, with the appurtenances againſt the ſaid *Robert* and his heirs; And further the ſaid *Robert* graunted for him and his heirs that they warrant to the ſaid *Richard*, *Nicholas*, *and John*, and to the heirs of the ſaid *Richard* the aforeſaid Mannors and Tenements with the appurtenances againſt the ſaid *Robert* and his heirs for ever. And for this Recognition, releaſe, quit claym, warranty, fine and Concord, the ſame *Richard*, *Nicholas* and *Iohn*, gave to the ſaid *Robert* 826 pound Sterling: Which fine aforeſaid levyed and had, was levyed of the aforeſaid Mannor of Nether *Melcum* otherwiſe *Melcum Bingham* with the appurtenances whereof, *&c.* to the uſe of the ſaid *Robert Bingham* the Elder, for the Term of his life, and after his deceaſe, then to the uſe of the aforeſaid *Robert Bingham* than Son and heir apparent of the ſaid *Robert Bingham* the Elder, and the heirs of his body, upon the Body of *Ann* then wife of the ſaid *Robert Bingham* the Son to be begotten: and for default of ſuch iſſue, to the uſe of the right heirs of the aforeſaid *Robert*

Bingham the Elder for ever: And of the aforeſaid Mannor and Tenements called *Wolcumb Binghams* with the appurtenances, to the uſe of the ſaid *Robert Bingham* the Son, and the aforeſaid *Ann* and the heirs of the body of the ſaid *Robert Bingham* the Son upon the body of the aforeſaid *Ann* Lawfully to be begotten, and for default of ſuch iſſue, to the uſe of the right heirs of the aforeſaid *Robert Bingham* the Elder for ever; By virtue of which Fine, and by force of the aforeſaid Act of Parliament, of transferring uſes into poſſeſſion, made and provided, the aforeſaid *Robert Bingham* the Elder, was ſeiſed of the aforeſaid Mannor of Nether *Melcum* otherwiſe *Melcum Binghams* with the appurtenances whereof, *&c.* in his demeſn as of freehold for the Term of his life, the remainder thereof to the ſaid *Robert Bingham* the Younger in Fee tayl, that is to ſay, to him and to the heirs of his body to be begotten upon the Body of the ſaid *Ann*, the remainder to the right heirs of the ſaid *Robert Bingham* the Elder for ever: And beſides, the ſaid *Robert Bingham* the Younger, & *Ann* his wife, were ſeiſed of the ſaid Mannor Land and Tenements, called *Wolcum Binghams* with the appurtenances, that is to ſay, to the aforeſaid *Robert Bingham* the Younger, in his demeſn, as of Feetail, that is to ſay, to him and the heirs of his body upon the body of the ſaid *Ann* his wife Lawfully to be begotren, and the aforeſaid *Ann* in her demeſn as of Freehold for the Term of her life, the remainder thereof to the right heirs of the ſaid *Robert Bingham* the Elder for ever: And the Jurors aforeſaid, ſay upon their Oath aforeſaid, that at the time of the Levying of the ſaid laſt recited Fine, by the ſaid *Robert Bingham* the Elder, in form aforeſaid had, the ſaid *John Horſey* was ſeiſed of the aforeſaid Mannor of Over *Melcum*, otherwiſe *Horſeys Melcum*, otherwiſe *Sturges Melcum*, with the appurtenanees in his demeſn as of Fee, and the ſaid *John Horſey* ſo thereof being ſeiſed, a Fine was Levyed in the Court of the ſaid Lady the Queen that now is at the Caſtle of *Hartford*, in the County of *Hartford*, after and before the within written time in which, *&c.* that is to ſay, in the morrow of *All Souls*, in the year of the Reign of the ſaid Lady the Queen that now is the 24th. before *Edmund Anderſon*, *Thomas Meade*, *Francis Windham*, and *William Periam*, then Juſtices of the ſaid lady the Queen of the Bench, & other of the ſaid Lady the Queens faithful people then there preſent, between *Henry Viſcount Bindon*, *Sichard Rogers Knight*. *Henry Aſhley Knight*, *Thomas Hayward*, *George Trenchard*, *John Strange-waies*, *John Williams*, *Richard Watkins*, *Thomas Muttens Henry Collier*, *Edward* St. *Karke*, *John Fitz-Williams*, and *George Gilbert*, *Eſquires*, then plaintiffs, and the ſaid *John Horſey Knight* then defendant of the ſaid Mannor of Over *Melcum* otherwiſe *Horſeys Melcum*, otherwiſe *Sturges Melcum*, with the appurtenances, by the names of the Mannors of *Clyſton*, *Malarke*, *Thorneford*, Nether *Crompton*, *Bradford*, *Sherborne*, *Wyke*, *Horſeys Melcum*, otherwiſe *Sturges Melcum*, with the appurtenances, and 250 Meſſuages, 100 Tofts, 10 Mills, 10 Dovehouſes, 3000 Acres of Lands, 2000 Acres of Meadow, 5000 Acres of Paſture, 1000. Acres of Wood, 3000. Acres of Furz and Heath, and 10. pound Rent, with the Appurtenances in *Tettmiſter*, *Ryme intrinſeca*, *Thorneford*, *Bradford*, *Beere-Hacket*, *Shirborn*, *Lillington*, *Nether-Crompton*, *Over-Crompton*, *Long Barton*, *Oburne*, *Heyden*, *Upmelcum*, *Nether Melcombe*, *Cheſelborn*, *Buckland*, *Pluſhe*, *Mapowder*, *Mylton*, other *Midleton*, and *Helton*, And the Rectory of *Bradford*, with the appurtenances,

ces, As alſo of the Advowſon of the Churches of *Melcombe*, *Nether-Melcombe*, *Clyſton*, *Malank*, *Thorneford*, *Nether-Crompton*, and *Bradford*, in the County of *Dorſet*. And of the Mannors of *Horſey*, and *Feignes* with the Appurtenances, and 20. Meſſuages, 6. Toſts, 2. Mills, 2. Dove-houſes, 1000. Acres of Lands, 60. Acres of Meadow, 1200. Acres of Paſture, 40. Acres of Wood, 1000. Acres of Furz and Heath, and 40. ſhillings Rent, with the appurtenances in *Bridgwater*, *Chilton*, *Bough*, *Stafford*, *Berwick*, *Weſton*, *Bondrip*, *Peryſon*, *Chedſey*, *Wembdon*, and *Canningtон*, in the County of *Somerſet*. Whereupon a plea of Covenant was ſummoned between them in the ſame Court, That is to ſay, That the ſaid *John Horſey* acknowledge the aforeſaid Mannors, Rectories, Tenements, and Hereditaments, with the appurtenances, and the Advowſons aforeſaid, to be the right of the ſaid *Viſcount*, as thoſe, which the ſaid *Viſcount*, *Richard Rogers*, *Henry Aſhley*, *Thomas Howard*, *George Trenchard*, *John Strange-wayes*, *John Williams*, *Richard Watkings*, *Thomas Muttens*, *Henry Coker*, *Edward St. Kerke*, *John Fitz-James*, and *George Gilbert*, had of the gift of the ſaid *John Horſey*, and thoſe releaſed and quit claimed for him and his Heirs, to the ſaid *Viſcount*, *Richard Rogers*, *Henry Aſhley*, *Thomas Howard*, *George Trenchard*, *John Strangewayes*, *John Williams*, *Richard Watkins*, *Thomas Muttens*, *Henry Coker*, *Edward St. Kerke*, *John Fitz-James*, and *George Gilbert*, and to the Heirs of the ſaid *Viſcount* for ever. And further, the ſaid *John Horſey* granted for him and his Heirs, that they warrant to the aforeſaid *Viſcount*, *Richard Rogers*, *Henry Aſhley*, *Thomas Howard*, *George Trenchard*, *John Stangewayes*, *John Williams*, *Richard Watkins*, *Thomas Muttens*, *Henry Coker*, *Edward St. Kerke*, *John Fiz-James*, and *George Gilbert*, and to the Heirs of the ſaid *Viſcount*, the aforeſaid Mannors, Rectories, Tenements, and Hereditaments, with the appurtenances, and the Advowſon aforeſaid againſt all men for ever; The Tenor of which Fine followeth in theſe words. This is a final Concord, made in the Court of the Lady the Queen, at the Caſtle of *Hartford*, in the morrow of *All Souls*, in the yeer of the Reign of *Elizabeth* by the grace of God of *England*, *France*, and *Ireland* Queen, defender of the Faith, *&c.* from the Conqueſt the 24th. before *Edmond Anderſon*, Kt. *Thomas Mead*, *Francis Windham*, and *William Periam* Juſtices, and other of the Queens faithful people then here preſent. Between *Henry Viſcount Byndon*, *Richard Rogers* Kt. *Henry Aſhley* Kt. *Thomas Howard* Eſq. *George Trenchard* Eſq. *John Strangewayes* Eſq. *John Williams* Eſq. *Richard Watkins* Eſq. *Thomas Muttens* Eſq. *Henry Coker* Eſq. *Edward. St. Karke* Eſq. *John Fiz-James* Eſq. and *George Gilbert* Eſq. Plantifs, and *John Horſey* Kt. Deforciant, of the Mannors of *Clyſton*, *Malanke*, *Thorneford*, *Nether-Compton*, *Bradford*, *Sherborn*, *Wyke*, *Horſeys Melcomb*, otherwiſe *Sturges Melcomb*, with the appurtenances, and of 250. Meſſuages, 100. Toſts, 10. Mills, 10. Dove-houſes, 3000. Acres of Land, 2000. Acres of Meadow, 5000. Acres of Furz and Heath, and 10. pound Rent, with the appurtenances in *Tettmiſter*, *Ryme intrinſeca*, *Thorneford*, *Bradford*, *Beer-Hacket*, *Sherborn*, *Lillington*, *Nether-Compton*, *Over-Compton*, *Long-Burton*, *Oburne*, *Hayden*, *Uxnelcombe*, *Nether-Melcombe*, *Chaſelborne*, *Buckland*, *Plaſhe*, *Mapowder*, *Mylton*, otherwiſe *Midleton*, and *Helton*. And of the Rectory of *Bradford*, with the appurtenances, as alſo of the Advowſons of the churches of *Melcombe*, *Nether-Melcombe*, *Clyſton*, *Malanke*, *Thorneford*, *Nether-Compton*,

and *Bradford* in the County of *Dorſet*: And of the Mannor of *Horſey* and *Piegnes* with the appurtenances: And of 20. Meſſuages, 6. Totts, 2. Mills, 2. Dove-houſes, 1000. Acres of Lands, 60. Acres of Meadow, 1200. Acres of Paſture, 40. Acres of Wood, 1000. Acres of Furz and Heath, and 40. ſhillings Rent, with the appurtenances in *Bridgwater*, *Chitton*, *Bough*, *Styford*, *Barwick*, *Weſton*, *Baudrip*, *Peryſon*, *Chedſey*, *Wembdon*, and *Cannington*, in the County of *Somerſet*, Whereupon a Plea of Covenant was ſummoned between them in the ſaid Court, That is to ſay, That the ſaid *John Horſey*, acknowledge the aforeſaid Mannors Rectories, Tenements, and Rents, with the Appurtenances, and the Advowſons aforeſaid, to be the right of the ſaid *Viſcount*, as thoſe which he the ſaid *Viſcount*, *Rich. Hen. Tho. George*, *Joh. Strange-wayes*, *John Williams*, *Rich. Tho. Henry*, *Edward*, *John*, *Fitz James*, and *George*, have of the guift of the aforeſaid *John Horſey*, and then releaſed and quit claimed from him and his Heirs, to the aforeſaid *Viſcount*, *Richard*, *Henry*, *Thomas*, *George*, *John Strange-wayes* *John Williams*, *Richard*, *Thomas*, *Henry*, *Edward*, *John*, *Fitz-Williams* and *George*, and to the Heirs of the ſaid *Viſcount*, for ever. And beſides the ſaid *John Horſey* grants for him & his Heirs, That they warrant to the ſaid *Viſcount*, *Richard*, *Henry*, *Thomas*, *George*, *John Strange-wayes*, *John Williams*, *Richard*, *Thomas*, *Henry*, *Edward*, *John Fitz-James*, and *George*, and to the Heirs of the ſaid *Viſcount*, the aforeſaid Mannors, Rectory, Tenements, and Rents with the appurtenances, and the Advowſon aforeſaid againſt all Men for Ever. And for this Recognitition, releaſe, quit claim Warranty, Fine, and Concord, the ſaid *Viſcount*, *Richard*, *Henry*, *Thomas*, *George*, *John Strange-wayes*, *John Williams*, *Richard*, *Thomas*, *Henry*, *John Fitz-James*, and *George* gave to the aforeſaid *John Horſey* 2680. pounds *Sterling*: Which Fine aforeſaid, in form aforeſaid levied and had, was levied of the Mannor and Tenements called *Over-Melcomb*, otherwiſe *Horſeys-Melcomb*, otherwiſe *Sturges-Melcomb*, with the Appurtenances, To the uſe of the ſaid *John Horſey*, and the Heirs males of the body of the ſaid *John Horſey* lawfully begotten, and for default of ſuch iſſue, To the uſe of *Edith*, now Wife of the ſaid *Ralph Horſey*, for the Term of her life, And after the deceaſe of the ſaid *Edith*, To the uſe of the aforeſaid *Ralph Horſey* and his heirs males of his body Lawfully begotten, and for default of ſuch iſſue, To the uſe of *Iaſper Horſey*, Brother of the ſaid *Ralph Horſey*, and the Heirs males of his body lawfully begotten, and for default of ſuch iſſue, to the uſe of the right Heirs of the aforeſaid *John Horſey* for ever; By virtue of which, and of the aforeſaid Act of Parliament of Transferring of uſes into poſſeſſion made and provided, The aforeſaid *John Horſey* was ſeiſed of the aforeſaid Mannor and Tenements, called *Over-Melcombe*, otherwiſe *Horſeys-Melcumb*, otherwiſe *Sturges-Melcomb*, with the appurtenances in his Demeſn as of Fee Tail, that is to ſay, to him and the Heirs males of his body lawfully begotten, the remainder thereof to the aforeſaid *Edith*, for the Term of her life, the remainder thereof to the aforeſaid *Ralph Horſey* in Fee Tail, that is to ſay, to him and the Heirs males of his body lawfully begotten, the remainder thereof to the aforeſaid *Jaſper Horſey* in Fee Tail, that is to ſay, to him and the Heirs males of his body lawfully begotten, the remainder over to the right Heirs of the ſaid *John Horſey* for ever. And the Jurors aforeſaid ſay, upon their Oath aforeſaid, That afterwards and before the within written

written time, in which, &c. that is to ſay, the 20th day of *January*, in the yeer of the Reign of the ſaid Lady the Queen that now is, the 29th. The aforeſaid *Robert Bingham* the younger, and *Ann* at *Melcumb* aforeſaid, had iſſue between them lawfully begotten, *Richard Bingham* Son and Heir apparent of the ſaid *Rob Bingham* the younger: And that the aforeſaid *Robert Bingham* and *Ann*, of the ſaid Mannors, Lands, and Tenements, called *Wolcomb Binghams*, ſo as before is ſaid being ſo ſeiſed, the remainder thereof in form aforeſaid expectant; And the ſaid *Robert Bingham* the Elder, and *Jane* his Wife, ſo as before is ſaid, of the aforeſaid Mannor of *Nether-melcum*, otherwiſe *Melcum Bingham*, with the Appurtenances whereof, &c. being ſeiſed, of the Mannor thereof to the aforeſaid *Robert Bingham* the younger, and the Heirs of his body, upon the body of the ſaid *Ann* lawfully begotten, the remainder thereof to the right Heirs of the ſaid *Robert Bingham* the elder expectant, The ſaid *Robert Bingham* the younger, afterwards and before the time within written, in which, &c. that is to ſay, the 11th day of *November*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 30th at *Melcomb* aforeſaid, dyed of ſuch eſtate of and in the premiſes as is ſaid, ſeiſed. And the ſaid *Ann* did ſurvive him, and held her ſelf in the Mannor aforeſaid, and Tenements called *Wolcombe Binghams*, and was thereof ſole ſeiſed in her Demeſn as of freehold for the Term of her life by right of ſurvivor, and that after the death of the ſaid *Robert Bingham* the younge the remaynder of the aforeſaid Mannor of Neither *Melcum* otherwiſe *Melcum Bingham* with the appurtenances whereof, &c. in fee tail deſcended to the ſaid *Richard Bingham* as Son and Heir of the body of the ſaid *Robert Bingham* the Younger, upon the body of the ſaid *Ann* begotten, the ſaid *Richard Bingham* at the time of the death of the aforeſaid *Robert Bingham* the younger his Father, being within age, that is to ſay, of the age of one yeer and 9. moneths, and no more; And that the ſaid *Ann* of the aforeſaid Mannor and Tenements, called *Wolcombe Binghams* in form aforeſaid being ſeiſed, And the ſaid *Robert Bingham* the elder, and *Jane* his Wife, of the aforeſaid Mannor of *Nether-Melcum*, otherwiſe *Melcombe Binghams*, with the appurtenances whereof, &c. in form aforeſaid being ſeiſed, the remainder thereof in form aforeſaid expectant, The ſaid *Ann* afterwards and before the within written time in which, &c. at *Melcombe* aforeſaid, took to Huſband one *John Sroud Eſquire*: And the Jurors aforeſaid ſay upon their Oath aforeſaid, That at the time of the death of the ſaid *Robert Bingham* the younger, and before the within written time in which, &c. The aforeſaid *John Horſey* was ſeiſed of the ſaid Mannor, of *Over-Melcum*, otherwiſe, *Horſeys-Melcum*, otherwiſe *Sturges-Melcum* with the appurtenances in his Demeſn as of Fee Tail, that is to ſay, to him and the Heirs males of his body lawfully begotten, the Remainder thereof over, in form aforeſaid expecting. And the ſaid *John Horſey* ſo thereof being ſeiſed, one *John Popham Knight*, Chief Juſtice of the ſaid Lady the Queen of Plea, before the Queen her ſelf to be held aſſigned, by the name of *John Popham Eſquire*, *George Trenchard Eſquire*, and *Edward Gorge Eſquire*, before the within written time, in which, &c. that is to ſay, the 26th. day of *March*, in the yeer of the ſaid Lady the Queen that now is the 31.th Out of the Court of *Chancery* of the ſaid Lady the Queen at *Weſtminſter* in the County of *Middleſex* then being, ſued forth a certain

tain Writ of the ſaid Lady the Queen of Entry, in the Diſſeiſin in the Poſt againſt the ſaid *John Horſey*, then Tenant of the Freehold of the ſaid Mannor, of *Over Melcum*, otherwiſe *Sturges-Melcum*, with the appurtenances of the ſaid Mannor, by the name of the Mannor of *Horſeys-Melcum* otherwiſe *Sturges Melcum* with the Appurtenances; And 10. Meſſuages, 300. Acres of Land, 200. Acres of Meadow, 5000. Acres of Paſture, 300. Acres of Wood, and 300. Acres of Furz and Heath, with the Appurtenances in *Horſeys-Melcum*, otherwiſe *Sturgis-Melcum*, to the then Sheriffs of the aforeſaid County of *Dorſet* directed, By which Writ, the ſaid Lady the Queen that now is, to the then Sherif of *Dorſet* commanded, that the ſaid then Sherif ſhould command the ſaid *John Horſey*, that juſtly and without delay, he ſhould render to the ſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, the ſaid Mannor of *Horſeys-Melcum*, with the appurtenances, and 10. Meſſuages, 300. Acres of Land, 200. Acres of Meadow, 5000. Acres of Paſture, 300. Acres of Wood, and 300. Acres of Furz and Heath, with the appurtenances in *Horſeys-Melcum*, otherwiſe *Sturges-Melcum*, which the ſaid *George Popham*, *George Trenchard*, and *Edward Gorge*, claimed to be their Right and Inheritance, And in which the ſaid *Iohn Horſey* had not entry, but after the Diſſeiſin which *Hugh Hunt* thereof unjuſtly, and without Judgement made to the ſaid *John Popham*, *George Trenchard*, and *Edward Gorge*, within 30. years then laſt paſt, as they ſaid, And whereupon they complained that the aforeſaid *Iohn Horſey* did them deforce, and if he ſhould not do, And the ſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, did ſecure the ſaid Sherif for the proſecution of his clamour, That then the ſaid Sherif ſummon the aforeſaid *Iohn Horſey*, that he be before the then Juſtices of the ſaid Lady the Queen, of the Bench at *Weſtminſter* aforeſaid, from *Eaſter-day* in 15. dayes then next following, to ſhew why he had not done it; At which 15. day of *Eaſter*, before *Edward Anderſon Knight*, and his Companions then Juſtices of the ſaid Lady the Queen of the Bench at *Weſtminſter* aforeſaid, came as well the aforeſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, by *Iohn Willis* their Attorny, and *Robert Frampton Eſquire*, then Sherif of the County of *Dorſet* aforeſaid, then and there returned the Writ aforeſaid to him, in form aforeſaid directed, in all things ſerved and executed, that is to ſay, that the ſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, had found to the ſaid Sherif Pledges to proſecute the ſaid Writ; that is is to ſay, *Iohn Doo*, and *Richard Roo*: And that the ſaid *Iohn Horſey*, was ſummoned by *Iohn Den*, and *Richard Fen*, And thereupon the ſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, declaring againſt the ſaid *Iohn Horſey*, upon the Writ aforeſaid, in their proper perſons, And demanded againſt the ſaid *Iohn Horſey*, the Mannors and Tenements aforeſaid with the appurtenances, as their Right and Inheritance, And into which the ſaid *Iohn Horſey* had not entry, but after the Diſſeiſin, which *Hugh Hunt* thereof unjuſtly, and without Judgement did to the ſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, within 30. yeers then laſt paſt, *&c.* And whereupon they then ſaid, That they themſelves were ſeiſed of the Mannor, and thoſe Tenements with the Appnrtenances in their Demeſn as of Fee in Right in time of peace, in the time of the ſaid Lady the Queen that now is, taking thereof the profits to the value, *&c.* And in which, *&c.* And thereof they bring

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ſute, &c. And the ſaid *Iohn Horſey* then and there defendeth the force and injury when, &c. And voucheth thereof to warranty, *David Howel*, who was then preſent in the ſame Court in his proper perſon, and freely the Mannor and Tenements aforeſaid with the appurtenances, then to him did warrant. And upon this, the aforeſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, then demanded againſt him the ſaid *David*, Tenant by his warranty, the Mannor and Tenements aforeſaid with the appurtenances, in form aforeſaid, &c. And whereupon they ſaid, that they they themſelves were ſeiſed of the Mannor and Tenements aforeſaid with the appurtenances, in their Demeſn as of Fee and Right in time of peace, in the time of the Lady the Queen that now is, taking the profits therof to the value, &c. And in wch &c. And thereof then brought Sute, &c. And theaforeſaid *David*, then tenant by his warranty, defendeth the force & injury when, &c. And ſaid, That the aforeſaid *Hugh Hunt* did not Diſſeiſe the ſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, of the Mannor and Tenements aforeſaid with the appurtenances, as the ſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, by their Writ and Declaration aforeſaid above ſuppoſed. And of this put himſelf upon the Country, And the ſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, then prayed licence thereof to imparl, and had it. And afterwards the ſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, came back in the ſame Court the ſame Term in their proper perſons, And the ſaid *David* although he was ſolemnly called, did not come back, but departed in contempt of the ſaid Court, and made default. Therefore then by the ſame Court, it was granted, That the aforeſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, ſhould recover their ſeiſin againſt the ſaid *Iohn Horſey*, of the Mannor and Tenements aforeſaid with the appurtenances, And that the ſaid *Iohn Horſey* ſhould have of the Tenements of the ſaid *David*, to the value, &c. And the ſaid *David* ſhould be in mercy, &c. And upon this, the aforeſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, then prayed a Writ of the Lady the Queen, to the Sherif of *Dorſet* aforeſaid to be directed, to give them full ſeiſin and poſſeſſion of the Mannor and Tenements aforeſaid with the appurtenances, and it was then granted unto them retornable there from the day of *Eaſter*, in 5. Weekes then next following, &c. At which day, before *Edmond Anderſon Knight*, and his Companions then Juſtices of the ſaid Lady the Queen of the Bench, that is to ſay, at *Weſtminſter* aforeſaid, came the aforeſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, in their proper perſons. And the aforeſaid *Robert Frampton Eſq.* then Sherif of the aforeſaid County of *Dorſet*, then ſent, that he by virtue of the ſaid Writ to him directed, made to the ſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge*, full ſeiſin of the Mannor and Tenements aforeſaid with the appurtenances, as by the ſaid Writ he was commanded, the Tenor of which Recovery followeth in theſe words, *ſſ. Dorſet. ſſ. Iohn Popham Eſquire*, *George Trenchard Eſquire*, and *Edward Gorge Eſquire*, in their proper perſons demand againſt *Iohn Horſey Knight*, the Mannor of *Horſeys-Melcumb*, otherwiſe *Sturges-Melcumb*, with the appurtenances, and 10. Meſſuages, 300. Acres of Land, 200. Acres of Meadow, 5000. Acres of Paſture, 300. Acres of Wood, and 300. Acres of Furz and Heath, with the appurtenances in *Horſeys-Melcumb*, otherwiſe *Sturges-Melcumb*, as their Right and Inheritance. And in which

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the ſaid *Iohn Horſey* had not entry, but after Diſſeiſin, which *Hugh Hunt* thereof unjuſtly and without Judgement, did to the ſaid *Iohn Popham*, *George* and *Edward*, within 30. yeers now laſt paſt, *&c.* And whereupon they ſay, That they themſelves were ſeiſed of the Mannor and Tenements aforeſaid with the Appurtenances, in their Demeſn as of Fee in Right in the time of Peace, in the time of the Lady the Queen that now is, taking the profits to the value, *&c.* And in which, *&c.* And thereof bring ſute, *&c.* And the aforeſaid *Iohn Horſey*, by *Iohn Willis* his Attorny, cometh and defendeth his right when, *&c.* And voucheth thereof to warranty *David Howel*, who is preſent here in Court in his proper perſon, and freely the Mannor and Tenements aforeſaid with the appurtenances to him doth warrant, and upon this, the aforeſaid *Iohn Popham*, *George Trenchard*, and *Edward Gorge* demand againſt the ſaid *David* Tenant by his warranty, the Mānor & Tenements aforeſaid with the appurtenances in form aforeſaid, *&c.* And whereupō they ſay, That they themſelves were ſeiſed of the Mānor & Teneměts aforeſaid. with the appurtenāces in their demeſn, as of Fe & Right, in the time of peace, in the time the Lady the Queen that now is, taking the profits thereof to the value, *&c.* and in which, *&c.* and thereof they bring ſute, *&c.* and the ſaid *David* Tenant, by his warranty defendeth his right when, *&c.* and ſaith, that the ſaid *Hugh* did not diſſeſs the aforeſaid *John Popham George*, and *Edward*, of the Mannor and Tenements aforeſaid with the appurtenances as the ſaid *John*, *George* and *Edward*, by their writ and declaration aforeſaid, above ſuppoſe, and of this puts himſelf upon the Country, *&c.* and the aforeſaid *Iohn Popham*, *George and Edward*, pray Licence thereof to imparle, and have it, *&c.* and afterwards the ſaid *Iohn George* and *Edward* return here into Court the ſame Term in their proper perſons, and the ſaid *David*, although ſolemnly called, doth not come, but departed in deſpight of the Court, and made default, Therefore it is granted, That the aforeſaid *Iohn Popham George* and *Edward*, recover their ſeiſin againſt the aforeſaid *Iohn Horſey* of the Mannor and Tenements aforeſaid, with the appurtenances, and that the ſaid *Iohn* have of the Lands of the ſaid *David* to the valew, *&c.* and the ſaid *David* in mercy, *&c.* and upon this the aforeſaid *Iohn Popham George* and *Edward* pray a writ of the Lady the Queen, to the Sherif of the County aforeſaid, to be directed, to give them full ſeiſin of the Mannor and Tenements aforeſaid, with the appurtenances, and it is granted unto them retorneable here from *Eaſter* day in 5 weeks, *&c.* At which day here came the aforeſaid *Iohn Popham*, *George*, and *Edward*, in their proper perſons, and the Sheriff, that is to ſay, *Robert Frampton* Eſquire now ſent, that he by virtue of the ſaid writ to him directed, the 29th. day of *April* laſt paſt gave to the ſaid *Iohn Popham George* and *Edward*, full ſeiſin of the Mannor and Tenements aforeſaid, with the appurtenances, as by the ſaid writ to him it was Commanded, *&c.* Which recoverie, in form aforeſaid had, was had to the uſe of the ſaid *Iohn Horſey*, and *Dorothie* then his wife, and to the heirs males of the body of the ſaid *Iohn* lawfully begotten, and for default of ſuch iſſue to the uſe of the aforeſaid *Iaſper Horſey*, and the heirs males of the ſaid *Iaſper* Lawfully begotten, and for default of ſuch iſſue, to the uſe of the right heirs of the ſaid *Iohn Horſey* for ever; by virtue whereof, and force of the ſaid Act of *Parliament* of

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transferring uſes into poſſeſſion made, the aforeſaid *John Horſey*, and *Dorothie*, were ſeiſed of that Mannor, with the appurtenances, that is to ſay, the ſaid *John Horſey* in his demeſn as of Fee tail, that is to ſay, to him and the heirs males of his body lawfully begotten, and the aforeſaid *Dorothy* in her demeſn as of freehold for, and during her life, the remainder thereof in form aforeſaid expectant, and the ſaid *John* and *Dorothie*, ſo thereof being ſeiſed, the remainder thereof in form aforeſaid expectant, the ſaid *John Horſey* afterwards and before the within written time in which, *&c.* that is to ſay the 7th. day of *September*, in the year of the Reign of the ſaid Lady the Queen that now is the 31th. at *Melcum* aforeſaid, of ſuch his eſtate dyed thereof ſeiſed without iſſue male of his body lawfully begotten, and the aforeſaid *Dorothie* him overlived and held her ſelf in, in the Mannor aforeſaid with the appurtenances, and was thereof ſole ſeiſed in her demeſn as of freehold for the term of her life, by way of ſurvivor, the remainder thereof in form aforeſaid expectant. And that *Mary Arnald* wife of *Richard Arnald* Eſquire, was one Siſter and Co-heir of the ſaid *John Horſey*, and *Reginald Moon* Knight, was another Co-heir of the aforeſaid *John Horſey*, that is to ſay Son and heir of *William Moon* Knight, and *Elizabeth* his wife, other Siſter of the ſaid *John Horſey*: and the Jurors aforeſaid further ſay upon their Oath aforeſaid, That the aforeſaid *Dorothie* of the aforeſaid Mannor of Over *Melcum*, otherwiſe *Horſeys Melcum*, otherwiſe *Sturges Melcum*, with the Appurtenances, in form aforeſaid being ſeiſed, after and before the within written time in which, *&c.* that is to ſay, the firſt day of *September* in the year of the ſaid Lady the Queen that now is, the 32th. at *Melcum* aforeſaid, dyed of ſuch her eſtate ſo ſeiſed; after whoſe death the aforeſaid *Ralph Horſey*, and *Edith* unto the aforeſaid Mannor of Over *Melcum* otherwiſe *Horſeys Melcum*, otherwiſe *Sturges Melcum* with the appurtenances did enter, and were thereof ſeiſed as the Law requireth: and the ſaid Jurors further ſay upon their Oath aforeſaid, that the ſaid *Robert Bingham* the Elder, and *Jane*, of the aforeſaid Mannor of Nether *Melcum*, otherwiſe *Melcum Binghams* with the appurtenances whereof, *&c.* ſo as is before ſaid, for the term of their lives being ſeiſed, the remainder thereof in form aforeſaid expectant, the ſaid *Robert Bingham* the Elder, after and before the time in which, *&c.* that is to ſay the 11th. day of *January*, in the year of the Reign of the ſaid Lady the Queen that now is the 36. at *Melcum* aforeſaid, dyed, of ſuch his eſtate thereof ſeiſed, the ſaid *Richard Bingham* being Couſen and heir of the ſaid *Robert Bingham* the Elder, that is to ſey, Son and heir of the aforeſaid *Robert Bingham* the Younger, Son and heir of the ſaid *Robert Bingham* the Elder, and within the age of 21 years, that is to ſay, of the age of 8 years, and no more, and that the aforeſaid *Richard Bingham* is yet living and in full life, that is to ſay at *Melcum* aforeſaid, and that the aforeſaid *Jane* the aforeſaid *Robert Bingham* the Elder overlived, and held her ſelf in the aforeſaid Mannor of Nether *Melcum*, otherwiſe *Melcum Binghams*, with the appurtenances whereof, *&c.* And was thereof ſole ſeiſed in her demeſn as of freehold for the term of her life by right of ſurvivor, the remaynder thereof in form aforeſaid, as the Law requireth, & that the aforeſaid *Jane* of the aforeſaid Mannor of Nether *Melcum*, otherwiſe *Melcum Binghams* wth the appurtenances whereof, &c. in her demeſn as of Freehold

for the term of her life in form aforeſaid, being ſeiſed, the aforeſaid *Iane* afterwards, and before the within written time in which, &c. that is to ſay, the ſecond day of *April* in the year of the Reign of the ſaid Lady the Queen that now is, the 41th. at *Melcum* aforeſaid died, of ſuch her Eſtate thereof ſeiſed; after whoſe death, and before the within written time in which, &c. The aforeſaid *Ralph Horſey*, *Richard Veal*, and *Edward Goor*, into the Tenements within written with the appurtenances entred, and that after, and before the within written time in which, &c. The aforeſaid *John Stroud* and *Ann* his wife, and *Richard Bingham*, into the aforeſaid Mannor of Nether *Melcum*, otherwiſe *Melcum Binghams* with the appurtenances whereof, &c. entred in the right of the ſaid *Richard Bingham*, By virtue of which the aforeſaid *Richard Bingham* was of and in the Mannor aforeſaid with the appurtenances whereof, &c. ſeiſed, and ſo thereof being ſeiſed, after and before the within written time in which, &c. that is to ſay, the 7th. day of *April* in the Reign of ſaid Lady the Queen that now is the 41th. aforeſaid, the aforeſaid *John Stroud* and *Ann* his wife, and the ſaid *Richard Bingham* upon the Tenements within written, By their writing ſealed with their ſeals, bearing date the ſecond day of *April* in the year of the Reign of the ſaid Lady the Queen that now is the 41th. aforeſaid, to the Jurors aforeſaid, in evidence ſhewed at *Melcum* aforeſaid, demiſed the aforeſaid Mannor of Nether *Melcum* otherwiſe *Melcum Binghams* with the appurtenances whereof, &c. to the within named *William Albert*, To have and to hold to him and his aſſignes from the Feaſt of the *Annuciation* of the bleſſed *Mary* the Virgin, then laſt paſt, before the date of the ſaid writing for the Term of 7 years from thence next and immediately inſuing fully to be complete and ended, yielding therefore yearly during the term aforeſaid, 140 pound *per. An.* at the Feaſt of Saint *Michael* the *Archangel*, and the *Annunciation* of the bleſſed *Mary* the Virgin, by equal portions to be paid: By virtue of which demiſe the aforeſaid *William Albert* the aforeſaid 7th. day of *April* in the year 41 aforeſaid, into the aforeſaid Mannor of Nether *Melcum* otherwiſe *Melcum Binghams* with the appurtenances whereof, &c. entred, and was thereof poſſeſſed, as the Law requireth, and ſo being thereof poſſeſſed, after and before the within written time in which, &c. that is to ſay, the aforeſaid 7th. day of *April* in the year 41 aforeſaid, the ſaid *William Albert* upon the Tenements within written entred, and demiſed the Tenements within written, with the appurtenances in which, &c. to the aforeſaid *George Stroud*, as in the declaration within written above is ſpecified: By virtue of which the aforeſaid *George Stroud* the aforeſaid 7th. day of *April* in the 41th. year aforeſaid, into the Tenements within written in the Declaration within written mentioned in which, &c. entred, and was thereof poſſeſſed as the Law requireth, until the ſaid *Ralph Horſey*, *Richard Veal*, and *Edward Goor*, the within written 11 day of *April* in the 41 year aforeſaid upon the poſſeſſion of the ſaid *George Stroud* (his term aforeſaid not yet ended) did eject expel and amove: But whether upon the whole matter aforeſaid by the Jurors aforeſaid in form aforeſaid found, the entrie of the ſaid *George* into the Tenements within written, with the appurtenances be lawful or not, the ſaid Jurors altogether do not know, and pray thereof the advice of the Court here, &c. And if upon the whole matter aforeſaid, in

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form aforeſaid found, It ſhall ſeem to the Court here, &c. That the Entry of the ſaid *George Stroud* into the Tenements within written, with the appurtenances be lawful, Then the aforeſaid Jurors ſay, upon their Oath aforeſaid, That the ſaid *Ralph Horſey*, *Richard Veal*, aud *Edward Goor*, are guilty of the Treſpaſſe and Ejectment within written, as the aforeſaid *George Stroud* within againſt them complaineth: And then they aſſeſſe the damages of the ſaid *George*, by occaſion of the Treſpaſſe and Ejectment within written, above his charges and coſts by him about his Sute in this behalf expended, to 2. ſhillings, and for his coſts and charges to 20. ſhillings. And if upon the whole matter aforeſaid, by the Jurors aforeſaid, in form aforeſaid found, It ſhall ſeem to the Court here, &c. That the Entry of the ſaid *George Stroud*, into the Tenements within written with the appurtenances be not lawful, Then the aforeſaid Jurors ſay, upon their Oath aforeſaid, That the ſaid *Ralph Horſey*, *Richard Veal*, and *Edward Goor*, are not guilty of the Treſpaſſe and Ejectment within written, as the ſaid *Ralph Horſey Richard Veal*, and *Edward Goor*, thereof within alleged, And becauſe the Court of the ſaid Lady the Queen of giving their Judgement of and upon the premiſes are not yet aviſed, Day thereof is given to the parties aforeſaid before the Lady the Q. at *Weſtminſter*, Untill *Fryday* next after the morrow of *Holy Trinity*, to hear their Judgement thereof, becauſe the Court of the ſaid Lady the Queen here thereof not yet, &c. At which day, before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen of giving her Judgement of and upon the premiſes are not aviſed, Day thereof is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter*, Untill *Thurſday* next after 8. dayes of St. *Michael*, to hear their Judgement thereof, becauſe the Court of the ſaid Lady the Queen here thereof not yet, &c. At which day, before the Lady the Quee n at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, and becauſe the Court of the Lady the Queen of giving their Judgement of and upon the premiſes is not yet aviſed, Day is given to the parties aforeſaid before the Lady the Queen at *Weſtminſter*, until *Fryday* next after 8. dayes of St. *Hillary*, to here their Jugement thereof, becauſe the Court of the ſaid Lady the Queen thereof not yet, &c. At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Q. here of their Judgement to be given of & upon the premiſes is not yet aviſed, Day thereof is given to the parties aforeſaid, untill *Wedneſday* next after the 18th. day of *Eaſter*, to hear their judgement thereof, becauſe the Court of the ſaid Lady the Queen here thereof not yet, &c. At which day before the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen here of giving their Judgement thereof is not yet aviſed, Day is given to the parties aforeſaid before the Lady the Queen at *Weſtminſter*, untill *Friday* next after the morrow of *Holy Trinity*, to hear their Judgement thereof, becauſe the Court of the ſaid Lady the Queen here thereof are not yet, &c. At which day come, the parties aforeſaid before the Lady the Queen at *Weſtminſter*, by their Attornies aforeſaid, Upon which, ſeen, And by the Court of the ſaid Lady the Queen here all and ſingular the premiſes

fully underſtood, and mature deliberation being thereof had, It is granted, That the ſaid *George Stroud* ſhall recover againſt the ſaid *Ralph Horſey*, *Richard Veal*, and *Edward Goor* his Term aforeſaid, of and in the Tenements aforeſaid, in the Declaration aforeſaid ſpecified yet to come, and his damages aforeſaid, by the Jurors aforeſaid, in form aforeſaid aſſeſſed, As alſo 12. pound for his charges and coſts aforeſaid, to the ſaid *George Stroud* by the Court of the ſaid Lay the Queen here, with his aſſent of encreaſe adjudged: which damages in the whole do amount to 13. pound, and two ſhillings, And the ſaid *Ralph Horſey*, *Richard Veal*, and *Edward Goor*, be taken, *&c.*

Ejectione Firme.

Hillary Term 29°. *Elizabeth*, Rott. 790. in the KINGS BENCH, *Baraſtons* Caſe, *C.* 3. *part. fol.* 19. *a.*

MEmorandum, That at another time, That is to ſay, *Michaelmaſs Term* laſt paſt, before the Lady the Queen at *Weſtminſter*, came *Richard Hynde*, by *James Long* his Attorny, and brought here in the Court of the ſaid Lady the Queen then there, his Bill againſt *William Ambry*, in the Cuſtody of the *Marſhal*, *&c.* Of a Plea of Treſpaſſe and Ejectment of his Farm, and are Pledges of Sute, that is to ſay, *John Doo*, and *Richard Roo*, Which Bill followeth in theſe words. *ff. Hartford. Richard Hynde* complaineth of *William Ambry* in the cuſtody of the *Marſhal* of the *Marſhalſey* of the Lady the Queen, before the Queen her ſelf being, for that, that is to ſay, That whereas, one *Thomas Brand*, and *Conſtance* his Wife, and *William Davyes*, and *Margaret* his Wife, the 4th. day of *July*, in the yeer of Reign of the ſaid Lady *Elizabeth* now Queen of *England* the 28th. at *Aldenham*, in the County aforeſaid, Demiſed, and granted, and to Farm let, to the aforeſaid *Richard Hynde* amongſt other things, 10. Acres of Land, with the appurtenances, called the upper part of a Cloſe named *Reddings*, in *Aldenham* aforeſaid, in the County aforeſaid: To have, and to hold, the aforeſaid 10. Acres, with the appurtenances, to the aforeſaid *Richard Hynde* and his Aſſignes, from the Feaſt of St. *John* the *Baptiſt* then laſt paſt, until the end and Term of 7. years, from thence next inſuing, and fully to be compleat and ended; By virtue of which demiſe, The ſaid *Richard Hynde*, into the aforeſaid 10. Acres of Land, with the appurtenances, the aforeſaid 9th. day of *July*, in the 28th. yeer aforeſaid, with Force and Armes, *&c.* into the aforeſaid 10. Acres of Lands with the appurtenances, upon the poſſeſſion of the ſaid *Richard* entred, and him the ſaid *Richard* from his Farm aforeſaid, the Term thereof not yet ended, did eject, expel, and amove, and then the ſaid *Richard* from his poſſeſſion thereof held out, and as yet holdeth out, And other harms to him did againſt the Peace of the ſaid Queen, to the damage of the ſaid *Richard* of 10. pounds, and thereof he bringeth Sute, *&c.* And now at this

this day, that is to ſay, *Monday* after 8. dayes of St. *Michael*, this Term, until which day, the ſaid *William* had licenſe to the Bill aforeſaid to imparl, and then to anſwer, *&c.* before the Lady the Queen at *Weſtminſter*, come as well the aforeſaid *Richard* by his Attorny aforeſaid, as the ſaid *William* by *Richard Belſield* his Attorny, and the ſame *William* doth defend the force and injury when, *&c.* And ſaith, That he is not guilty thereof, and of that he puts himſelf upon the Country; And that ſaid *Richard* likewiſe. Therefore a Jury thereof before the Lady the Queen at *Weſtminſter*, *Wedneſday* next after 15. dayes of *Eaſter*, who neither, *&c.* Becauſe as well, *&c.* the ſame day is given to the parties aforeſaid there, *&c.* Afterwards the proceſſe thereof was continued between the parties aforeſaid, in the Plea aforeſaid, by Juries put between them in reſpite, before the ſaid Lady the Queen, until *Wedneſday* next after 8. dayes of St. *Michael* then next following: Unleſſe the Juſtices of the ſaid Lady the Queen to take Aſſizes in the County aforeſaid aſſigned, Firſt upon *Friday* the 12th. day of *July*, at *Hartford* in the County aforeſaid, by form of the Statute, *&c.* come for default of Jurors, *&c.* At which *VVedneſday* next after 8. dayes of St. *Michael*, before the Lady the Queen at *Weſtminſter*, came the aforeſaid *Richard Hynde* by his Attorny aforeſaid, And the aforeſaid Juſtices of Aſſizes, before whom, *&c.* ſent here their Record before them had in theſe words: *ſſ.* Afterwards, the day and place within contained, before *Thomas Gawdy Knight*, one of the Juſtices of the Lady the Queen of Pleas, before the Lady the Queen her ſelf to be holden aſſigned, and *Robert Clark*, one of the Barons of the ſaid Lady the Queen of her *Exchequer*, Juſtices of the ſaid Lady the Queen, to take Aſſizes in the County of *Hartford* aſſigned, by form of the Statute, *&c.* came as well the within named *Richard Hynde*, by *Henry Brantwayte* his Attorny, as the within written *William Ambry* by his Attorny within mentioned, and the Jurors of the Jury whereof within mention is made, ſome of them, that is to ſay, *Richard Penifather*, *Thomas Glaſcock*, *John Harmer*, and *Stephen Nebbes* came, and in the ſaid Jury are ſworn, And becauſe the reſt of the Jurors of the ſaid Jury did not appear, Therefore, other of the Standers by, choſen by the Sherif, at the Requeſt of the ſaid *Richard Hynde*, and by the Command of the Juſtices aforeſaid are of new put, whoſe names to the Pannel within written are filed, according to the form of the Statute in ſuch Caſe late, made, and provided, and ſome of the Jurors ſo a new put, that is to ſay, *Edward Vyall*, *Thomas Cooker*, *Thomas Trow*, *Edward Aſher*, *John Dermer*, *William Tiverton*, *Edward Iorden*, and *Robert Carpenter* came, who to ſay the truth of the matters within contained, togeether with the Jurors aforeſaid firſt unpannelled, and ſworn, choſen, tryed and ſworn, Say, upon their Oath, That long before the Treſpaſs and Ejectment of the Farm within ſuppoſed to be done, One *Thomas Boraſton* was ſeiſed of and in the within written 10. Acres of Lands, with the appurtenances, called the upper part of a Cloſe called *Reddings*, in *Aldenham* within written, in his demeſn as of fee, & the ſaid 10. Acres of Lands with the appurtenances held of one *Robert Stepnigh Eſq.* as of his Mannor of *Aldenham* in his free ſocage, And futher the Jurors aforeſaid, ſay upon their Oath, That the aforeſaid *Tho. Boraſton* had iſſue of his body lawfully begotten, *Hum Boraſton* his Elder Son, & *Hen. Boraſton*, his Younger Son: and the aforeſaid *Hum. Boraſton* had

had iſſue of his body Lawfully begotten, *Conſtance Boraſton* now the wife of the within named *Thomas Brand*, and the within named *Margaret* wife of the within named *William Davis*: and that afterwards *Humphrey Boraſton* dyed, living the ſaid *Thomas Boraſton*, and that the aforeſaid *Conſtance* and *Margaret* were and are Daughters and Co-heirs of the aforeſaid *Humphry Boraſton*: and farther the Jurors aforeſaid ſay upon their Oath, that the aforeſaid *Boraſton*, ſo of, and in the aforeſaid 10 Acres of Land with the appurtenances being ſeiſed as before is ſaid, afterwards, that is to ſay, the 12th. day of the moneth of *Auguſt* in the year of our Lord 1559 in the year of the Reign of the ſaid Lady the Queen, the firſt, made his Teſtament and laſt Will in writing, in theſe Engliſh words following, In the name of God Amen. *Item*, I give unto *Thomas Amerie*, and *Amphillis* his wife, all that my upper part of my cloſe called *Redding*, for the Term of 8 years after my deceaſe in recompence of one yearly Annuity of 46 ſhillings 8 pence due unto the ſaid *Thomas Amerie* upon one obligation of certein years yet during, and upon farther Condition, that the ſaid *Thomas Amerie* ſhall bring in the ſaid Obligation to my Executors to be cancelled and utterly diſcharged, upon this conſideration, before ſuch time as the ſaid *Thomas Amerie* ſhall make any entry upon the premiſes, and that the ſaid *Thomas Amerie* neither his aſſignes, ſhall not during the ſaid 8 years fell any of the Woods, Timber, nor Undrwoods, in, nor uppon the ſaid upper part, but ſhall preſerve the Woods, hawts, and Springs, to the behoof of the Heir in remainder, and after the Term of the ſaid 8 years the ſaid upper part to remayn to my Executors until ſuch time as *Hugh Boraſton* ſhall accompliſh his age of 21 years, and the mean profits to be imployed by my Executors towards the performance of this my laſt will and Teſtament; and when the ſaid *Hugh* commeth unto twenty and one yeares of age, then I will that he ſhall enjoy the ſaid upper part to him and his heirs for ever, Provided alwaies, that if the ſaid *Thomas Amerie* do refuſe to bring in his Obligation, or to preſerve the Woods, upon the ſaid upper part, then my Executors to enjoy the premiſes during the ſaid Term of 8 years, paying the ſaid *Amerie* his 46 ſhillings 8 pence during the ſaid Term of 8 years; as by the Tenement and laſt will aforeſaid amongſt other things it appeareth: And farther the Jurors aforeſaid, ſay upon their Oath aforeſaid That the aforeſaid *Thomas Boraſton* ſo of the aforeſaid 10 Acres of Land with the appurtenances being ſeiſed, afterward, that is to ſay, the 14th. day of the aforeſaid Moneth of *Auguſt* in the year of the Reign of the ſaid Lady the Queen that now is the firſt, at *Aldenham* aforeſaid, of ſuch his eſtate dyed ſeiſed; and farther the Jurors aforeſaid ſay, upon their Oath, that the aforeſaid *Hugh Boraſton* in the ſaid Teſtament and laſt will named, was Son and heir of the ſaid *Henry Boraſton*, and that the ſaid *Hugh Boraſton* dyed before that he came to the age of 21 years, that is to ſay, about the age of 9 years. And farther the Jurors aforeſaid ſay, upon their Oath aforeſaid, that the Intereſt of the premiſes aforeſaid, in the ſaid Teſtament and laſt will mentioned and deviſed, aſwell to the ſaid *Thomas Amerie*, and *Amphillis his wife*, as to the Executors of the ſaid Teſtament, before the day of the bringing of the Bill within written ended and determined: And further the Jurors aforeſaid ſay upon their Oath, That *Philip Boraſton* was and is Brother and next heir of the ſaid *Hugh Boraſton*, by

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colour whereof the ſaid *Philip Boraſton* after the aforeſaid Intereſt of the premiſes to the ſaid *Thomas Amerie* and *Amphillis* his wife, and the exetors aforeſaid, by the aforeſaid Teſtament and laſt will given and deviſed, was ended and determined, unto the aforeſaid 10 Acres of Lands with the appurtenannces as brother and next heir of the ſaid *Hugh* entred, and was thereof ſeiſed, as the Law requireth, and ſo therof ſeiſed, the ſaid *Philip Boraſton* afterwards and before the time of the exhibitage of the Bill aforeſaid, that is to ſay, the 20 day of *June* in the year of the Reign of the Lady the Queen that now is the 28, demiſed, granted, and to Farm let, to the aforeſaid *William Ambry* now defendant, the Tenements aforeſaid with the appurtenances in which, &c. To have and to hold to the ſaid *William Ambry* and his aſſignes, for a whole year from thence next following, to be fully compleat and ended, and ſo from year to year as long as both parties ſhould pleaſe; By virtue of which demiſe, The aforeſaid *William Ambry* into the aforeſaid 10 Acres of Land with the appurtenances entred and was thereof poſſeſſed, and ſo thereof being poſſeſſed, the aforeſaid *Thomas Brand* and *Conſtance* his wife, *William Davis* and *Margaret* his wife, as in the right of the ſaid *Conſtance*, and *Margaret*, afterwards, that is to ſay, the 9 day of *July* in the year of the Reign of the Lady the Queen that now is, the 20 aforeſaid, into the aforeſaid 10 Acres of land with the appurtenances in & upon the poſſeſſion of the ſaid *William Ambry* entred, and were thereof ſeiſed, as the Law requireth: and ſo thereof being ſeiſed, at *Aldenham* aforeſaid, the ſaid *Thomas Brand* and *Conſtance* his wife, *William Davis* and *Margaret* his wife, afterwards, that is to ſay, the ſaid 9th. day of *July*, in the year 28 aforeſaid, by their Indenture bearing date the ſame day and year, demiſed, granted and to Farm let, the aforeſaid 10 Acres of Land with the appurtenances to the aforeſaid *Richard Hynde*, to have and to hold the aforeſaid 10 Acres of Land with the appurtenances unto the ſaid *Richard Hynde* and his aſſigns from the Feaſt of Saint *John the Baptiſt* then laſt paſt, until the end & term of 7. years from thence next enſuing & fully to be complete & ended: By virtue of which demiſe, the ſaid *Richard Hynde* into the aforeſaid 10. Acres of Lands with the appurtenances, the aforeſaid 9th. day of *July* in the year of the Reign of the ſaid Lady the Queen that now is the 28th. aforeſaid entred, and was thereof poſſeſſed, until the aforeſaid *William Ambry* afterwards, that is to ſay, the aforeſaid 9th. day of *July* in the 28 year aforeſaid, with force and Armes, &c. into the aforeſaid 10 Acres of Land with the Appurtenances, upon the poſſeſſion of the ſaid *Richard Hynde*, thereof, by the preecpt and command of the aforeſaid *Philip Boraſton* re-entred, and him the ſaid *Richard Hynde* from his poſſeſſion thereof held out, and yet hold out: But whether upon the whole matter aforeſaid, in form aforeſaid found, the re-entry of the aforeſaid *William Ambry* into the aforeſaid 10 Acres of Land with the appurtenances, be, or in Law ought to be adjudged, a good or lawfull re-entry, the Jurors aforeſaid are utterly ignorant, and thereof pray the advice of the Court of the Lady the Queen; and if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the Court of the ſaid Lady the Queen that the Re-entry of the aforeſaid *William Ambry* into the aforeſaid 10. Acres of Land with the appurtenances, & upon the poſſeſſion of the ſaid *Richard Hynde*, be not nor in Law ought to be adjudged a

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good and Lawfull Re-entry, Then the Jurors aforeſaid ſay upon their Oath aforeſaid, That the aforeſaid *William Ambry* is guilty of the Treſpaſs and Ejectment within ſpecified in manner and form as the aforeſaid *Richard Hynde*, within againſt him complaineth, and then they Aſſeſſe the damages of the ſaid *Richard Hynde*, by occaſion of the Treſpaſs and Ejectment out of his Farm, beſides his charges and coſts by him about his ſute in his behalf expended, to 8. ſhillings, and for his Charges and Coſts to 30. ſhillings and 4, pence: but if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the Court of the Lady the Queen, that the re-entry of the aforeſaid *William Ambry* into the aforeſaid 10 Acres of Land with the appurtenances in and upon the poſſeſſion of the ſaid *Richard Hynde*, be, or in Law ought to be adjudged a good and Lawfull re-entry, then the Jurors aforeſaid ſay upon their Oath, that the ſaid *William Ambry* is not guilty of the Treſpaſs and Ejectment of the farm aforeſaid, as he before for himſelf hath alleged: And becauſe the Court of the Lady the Queen here, of giving their Judgement further of and upon the premiſes is not yet aviſed, day thereof is given to the parties aforeſaid, in the ſtate that now it is, before the Lady the Queen at *Weſtminſter* untill thurſday next after 8 dayes of Saint *Hillary* to heare their Judgement thereof, becauſe the Court of the Lady the Queen here, thereof not yet, have aviſed, *&c.* At which day before the Lady the Queen at *Weſtminſter* come the parties aforeſaid by their Attornies aforeſaid, and becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, further day thereof is given to the parties aforeſaid in the ſtate it now is, before the Lady the Queen at *Weſtminſter* until *wedneſday* next after 15 dayes of *Eaſter* to hear their Judgement thereof, *&c.* becauſe, *&c.* And ſo from Term to Term until the plaint aforeſaid was farther adjroned by another writ of the ſaid Lady the Queen of Common adjournment before the Queen until the morrow of *All Souls* at the Caſtle of *Hartford* in the County of *Hartford*, at which day before the Lady the Queen at the Caſtle of *Hartford*, came the parties aforeſaid, by their Attorneys aforeſaid, and becauſe the Court of the Queen here of giving their Judgement of and upon the premiſes, is not yet aviſed, Day thereof is farther given to the parties aforeſaid in ſtate as it is now before the Lady the Queen at the Caſtle of *Hartford*, until *Tueſday* next after 8 dayes of Saint *Hillary*, to hear their Judgement, *&c.* becauſe, *&c.* Before which day, the plaint aforeſaid was adjorned by a writ of the Lady the Queen of common adjornement, before the ſaid Lady the Queen untill 8 dayes of Saint *Hillary* at *Weſtminſter*, at which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attorneys aforeſaid: and becauſe the Court of the Lady the Queen here of giving their Judgment of and upon the premiſes is not yet aviſed, Day is further given to the parties aforeſaid in ſtate as now before the Lady the Queen at *VVeſtminſter* untill *VVedneſday* next after 15 dayes of *Eaſter* to hear their Judgement thereof, *&c.* becauſe, *&c.* At which day, before the Lady the Queen at *VVeſtminſter*, come the parties aforeſaid by their Attorneys aforeſaid: Upon which, ſeen by the Court of the Lady the Queen here, and the premiſes diligently looked into, and thereof mature deliberation being thereof had, Becauſe it ſeemeth to the Court

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of the ſaid Lady the Queen here, that the entrie of the aforeſaid *William Ambry*, above ſpecified, into the aforeſaid 10 Acres of Land, with the appurtenances, in and upon the poſſeſſion of the aforeſaid *Richard Hynde*, was a good and lawfull re-entry, therefore It is granted, that the aforeſaid *Richard Hynde*, take nothing by his Bill aforeſaid, but that he for his falſe clamour be taken, *&c.* and the aforeſaid *William Ambry* be thereof without damage, *&c.*

Ejectione Firme.

Hillary Terme. 36. Eliz. Rott. 440. in the *Kings Bench.*
Sir *George Browns* Caſe. *C.* 3. part. *fo.* 45.

William Spencer, late of *Swindon* in the County aforeſaid Yeoman, and *Thomas Spencer* late of *Swindon* in the County aforeſaid Yeoman, were attached to anſwer to *James Linche* of a plea, wherefore with force and armes one Meſſuage, one Barn, 80 Acres of Land, 80 Acres of Meadow, and 80 Acres of Paſture, with the appurtenances, in *Swindon*, which *George Brown* Knight, to the aforeſaid *James* demiſed for a Term which is not yet ended, they entred, and him from his Farm aforeſaid did eject, and other harms did unto him, to the grievous damage of the ſaid *James*, and againſt the peace of the Lady the Queen that now is, *&c.* and whereupon the ſaid *James*, by *Thomas Cooper* his Attourny Complaineth, That whereas the aforeſaid *George Brown* the 22th. day of *October*, in the year of the Reign of the Queen that now is, the 35th. at *Swindon* aforeſaid, had demiſed to the ſaid *James*, the Tenements aforeſaid, with the appurtenances, to have and to hold the ſame Tenements with the appurtenances, to the ſaid *James* and his aſſigns, from the Feaſt of Saint *Michael* the *Archangel* then laſt paſt, until the end and Term of 4 years from thence next enſuing, and fully to be compleated: By virtue of which demiſe, the ſaid *James* into the Tenements aforeſaid with the appurtenances entred, and was thereof poſſeſſed, and ſo thereof being poſſeſſed, the aforeſaid *William* and *Thomas* afterwards, that is to ſay the 22th. day of *October* aforeſaid in the 35th. year aforeſaid with force and armes, *&c.* the Tenements aforeſaid, with the appurtenances, which the ſaid *George Brown*, to the ſaid *James*, in form aforeſaid demiſed for the term aforeſaid, which is not yet ended, entred, and him the ſaid *James* from his Farm aforeſaid held out, and other harms, *&c.* To the grievous damage, *&c.* and againſt the peace, *&c.* whereupon he ſaith that he is the worſe and hath damage to the value of 20 pound, and thereof bringeth ſute, *&c.* And the aforeſaid *William* and *Thomas* by *John Paxton* their Attorney come, and defend the force and injury when, *&c.* And ſay that they in nothing are guilty of the Treſpaſs and Ejectment aforeſaid as the aforeſaid *James* above againſt them complaineth: and of this, put themſelves upon the Country, and the a-

foreſaid *James* likewiſe, *&c.* Therefore it is commanded to the Sheriff, that he have here in 8 dayes of the *Purification* of the bleſſed Lady. 12 good and Lawfull men, *&c.* by whom the truth, *&c.* and who neither, *&c.* Becauſe aſwell, *&c.* afterward the proceſs between the parties aforeſaid was continued of the plea aforeſaid, by Jurors put between them put in reſpite here until this day, that is to ſay, in 8 dayes of Saint *Michael* in the year of the Reign of the Lady the Queen that now is the 37th. Unleſs the Juſtices of the Lady the Queen for Aſſiſes in the County aforeſaid to be taken aſſigned, by the form of the ſtatute, upon *Thurſday* the 17 day of *July* laſt paſt, at New *Sarad* in the County aforeſaid firſt came. And now here, at this day come as well the aforeſaid *James Linche*, as the aforeſaid *William Spencer* and *Thomas Spencer* by their Attorneys aforeſaid, and the aforeſaid Juſtices of Aſſiſe before whom, *&c.* ſent here their Record in theſe words; Afterwards, the day and place within contained before *Thomas Walmeſley* one of the Juſtices of the Lady the Queen of the Bench, and *Edward Fenner* one of the Juſtices of the ſaid Lady the Queen, of pleas before the Queen her ſelf, to be holden aſſigned Juſtices of the Aſſiiſe of the Lady the Queen, in the County of *Wilts*, to be taken, Aſſigned by the form of the ſtatute, came aſwell the within named *James Linche* as the ſaid within written *William Spencer*, and *Tho. Spencer* by their Attorneys within mentioned, and the Jurors of the Jury whereof within mention is made being called, ſome of them, that is to ſay, *William Garret* of *Shaw* Gentleman, *William Bury* of *Crickland*, *Thomas Euckley* of Nether *Haven* Gentleman, *William Marſe* of *Haydon*, *John Noyſe* of *Graſton*, *Richard Legge* of Nether *Haven*, *Thomas Smith* of *Kinnett*, *Thomas Stoper* of *Moanton*, and *VVilliam Gouldeſborough* of the ſame came, and are ſworn of the ſame Jury, and becauſe that the reſt of the Jurors of the Jury did not appear, therefore other of the ſtanders by choſen by the Sheriff of the County aforeſaid at the requeſt of the ſaid *James*, and by the command of the Juſtices aforeſaid were new put, whoſe names to the Pannel within written are filed, according to the ſtatute in ſuch caſe lately made and provided: And the Jurors ſo of new put, that is to ſay, *Thomas Stringer*, *VVilliam Bundy*, and *VVilliam Haſcal*, likewiſe called came, who to the truth of the matter within conteined, together with the other Jurors aforeſaid firſt impannelled, choſen, tryed and ſworn, ſay upon their Oath, That the aforeſaid *VVilliam Spencer* is not guilty of the Treſpaſs and Ejectment within written as the ſaid *VViliam* hath within alleged; and further the ſaid Jurors, as to all the Treſpaſs & Ejectment aforeſaid within written, beſides the Treſpaſs and Ejectment in the Meſſuage within conteined and 26 Acres of the Tenements within written by the aforeſaid *Thomas Spencer* within ſuppoſed to be done, they ſay upon their Oath that the ſaid *Tho.* is not thereof guilty as the ſaid *Tho.* likewiſe ther. of within allegeth: and as to the Treſpaſs and Ejectment within written, into the aforeſaid Meſſuage and 26 Acres of Land within ſuppoſed to be done, the ſame Jurors ſay upon their Oath, that long before the within written time in which it is ſuppoſed the Treſpaſs and Ejectment aforeſaid to be done, one *Richard Bridges* Knight was ſeiſed as well of the aforeſaid Meſſuage and 26 Acres of Land with the appurtenances, as of the other Tenements within written reſidue with the appurtenances in his demeſn as of Fee, and ſo thereof being ſeiſed, the ſaid *Richard* long before

fore the time aforeſaid in which, &c. by his certain writing of Feoffment Indented, in Conſideration of a certain Joynture of one *Iohanna* the wife or Daughter of *William Spencer* Knight, deceaſed, from thence after to be had and ended, gave and granted, and in his ſaid writing Indented, confirmed to *Iohn Winchcomb* the Elder, of *Newberry*, in the County of *Berks.* and *John Knight* of *Newbery* aforeſaid, the aforeſaid Meſſuage and 26 Acres of Land in which, &c. amongſt other things, to have and to hold the ſaid Meſſuage and 26 Acres of Land in which, &c. amongſt other things to the ſaid *John Winchcomb* and *John Knight* their heirs and aſſignes for ever, under this Condition following, that is to ſay, That the ſaid *John Winchcomb* and *John Knight* within one moneth next enſuing after the date of the ſaid writing, by their ſufficient writing in Law, as by the learned Councel in the Law of the ſaid *Richard Bridges* it ſhould be aviſed, ſhould give, grant, and deliver, the aforeſaid Meſſuage and 26 Acres of Land in which, &c. amongſt other things to the ſaid *Richard* and the ſaid *Johanna* his wife, to have and to hold the ſaid Meſſuage and 26 Acres of Land in which, &c. amongſt other things to the ſaid *Richard* and the ſaid *Johanna*, and to the heirs of the bodies of the ſaid *Richard* and the ſaid *Johanna* his wife, betwixt the ſaid *Richard* and the ſaid *Johanna* Lawfully begotten, and for default of ſuch iſſue, the remainder thereof to the right heirs of the aforeſaid *Richard* for ever, of the chief Lords of the Fee by the ſervices therefore due and of right occaſioned, as by the ſaid writing of Feoffment Indented Sealed with the Seal of the ſaid *Richard Bridges* and bearing date the 23th. day of *January* in the year of the Reign of the Lord *Henry* late King of *England* the 8th. the 32th. to the Jurors aforeſaid, in evidence ſhewed, more fully appeared, and that by virtue of the ſaid Feoffment, the aforeſaid *John Winchcomb* and *John Knight* were ſeiſed of the aforeſaid Meſſuage and 26 Acres of Lands in which, &c. amongſt other, in their demeſn as of Fee upon the condition aforeſaid: And farther the Jurors aforeſaid ſay upon their Oath, That the ſaid *John Winchcomb* and *John Knight* being ſo thereof ſeiſed, long before the aforeſaid time in which, &c. and within the ſaid one Moneth next inſuing, after the date of the ſaid writing of Feoffment Indented at *Walcot* aforeſaid, in performance of the condition aforeſaid, and at the requeſt of the ſaid *Richard Bridges*, by their certain writing Indented of Feoffment delivered, enfeoffed and delivered, and by the ſaid their writing Indented they did confirm to the aforeſaid *Richard Bridges* and *Johanna* his Wife, the aforeſaid Meſſuage and 26 Acres of Land in which, &c. amongſt other things, to have and to hold the aforeſaid Meſſuage, and 26 Acres of Land in which, &c. amongſt other, to the aforeſaid *Richard Bridges*, and *Johanna* his Wife, and the heirs of the bodies of them, the ſaid *Richard* and *Johanna* betwixt them Lawfully begotten, and for default of ſuch iſſue the remaynder thereof to the right heirs of the ſaid *Richard Bridges* for ever, of the chief Lords of the Fee by the ſervices thereof due, and of right accuſtomed as by the ſaid writing of Feoffment Indented with the Seals of the ſaid *John Winchcomb* and *John Knight* Sealed, and bearing date the 6th. day of *February* in the year of the Reign of the aforeſaid late King *Henry* the 8th. the 32th. aforeſaid, and to the Jurors aforeſaid in Evidence ſhewed, it more fully appeareth: And that by virtue of the ſaid Feoſment, the aforeſaid *Richard Bridges* and

Johanna were ſeiſed of the aforeſaid Meſſuage and 26 Acres of Land in which, *&c.* amongſt other in their demeſn as of Fee tail, that is to ſay, to the ſaid *Richard* and *Johanna* and the heirs of their bodies between them Lawfully begotten, the remaynder thereof to the right heirs of the ſaid *Richard* as above is ſaid: And the ſaid *Richard* and the ſaid *Johanna* ſo thereof being, had iſſue of their bodies between them Lawfully begotten, one *Anthony Bridges* his Son yet living and in full life being, that is to ſay, at *Weſt Shefford* in the County of *Berks*: and that afterwards, and before the time in which, *&c.* the aforeſaid *Richard Bridges* and *Johanna* of the aforeſaid Meſſuage and 26 Acres of Land in which, *&c.* amongſt other, in form aforeſaid being ſeiſed, the ſaid *Richard* before the aforeſaid time in which, *&c.* at *Lugarſhall* in the ſaid County of *Wilts.* of ſuch his eſtate dyed thereof ſeiſed: and the aforeſaid *Johanna* him over-lived, and held her ſelf in the aforeſaid Meſſuage and 26 Acres of Land in which, *&c.* amongſt other, and was thereof ſole ſeiſed in her demeſn as of Fee tail in form aforeſaid, the remainder thereof over as before is ſaid: and farther the Jurors aforeſaid ſay upon their Oath, that the ſaid *Johanna* being thereof ſo ſeiſed, The aforeſaid *Anthony Bridges* the 4 day of *December* in the year of the Reign of the ſaid Lady the Queen that now is the 32th. at *Walcot* aforeſaid, by his Indenture made between the aforeſaid *Anthony Bridges* Son of the aforeſaid *Richard* and *Johanna*, and *Barbara* then wife of the ſaid *Anthony*, and one *Edward Langford* Gentleman, by the name of *Anthony Bridges* of *Weſt-Shefford*, otherwiſe great *Shefford* in the County of *Berks*. Eſquire, and *Barbara* his wife, and *Edward Langford* of *Lincolnes Inn*, Gentleman, of the one part, and one *George Brown* Knight, by the name of *George Brown* Eſquire, ſecond Son of the right Honourable *Anthony*, *Viſcount*, of the moſt noble order of the Garter *Knight*, of the other part, which other part with the Seals of the ſaid *Anthony Bridges*, *Barbara*, and *Edward Langford* Sealed, bearing date the ſame day and year to the Jurors aforeſaid in evidence ſhewed, it was Covenanted, granted, condeſcended unto, concluded and fully agreed by and between the ſaid parties to the ſaid Indenture in manner and form following; That is to ſay, that the ſaid *Anthony Bridges* Son of the ſaid *Richard Bridges*, and *Johanna*, and *Edward Langford*, covenanted and granted for them their heirs and aſſigns, to and with the aforeſaid *George Brown* his Heirs and aſſigns, by the ſame Indenture, that they the ſaid *Anthony Bridges* Son of the aforeſaid *Richard Bridges*, and *Johanna* and *Barbara* together with the aforeſaid *Edward Langford* before *Eaſter* Term then next following, would levy, and acknowledge before the Juſtices of the ſaid Lady the Queen of the Bench at *Weſtminſter*, one Fine or diverſe Fines with the proclamations according to the courſe of Fines in the ſaid Court uſed to the aforeſaid *George Brown* of all that Mannor of *Kinthury* with all and ſingular the Rights members and appurtenances in the aforeſaid County of *Berks*. And of all Meſſuages, Lands, and Tenements, Rents, Services, Advowſons, Patronages, Liberties, Privileges, Profits, and Hereditaments, with all and ſingular their appurtenances to the ſaid Mannor belonging or appertayning, and alſo of the aforeſaid whole Tenements within ſpecified, by the name of Lands, Tenements and Hereditaments with the appurtenances called or known by the name of *Walcot*, lying in *Swindon* within written whereof the aforeſaid Meſſuage and 26

Acres

Acres of Lands then were and yet are parcel: As alſo of all meſſuages, Cottages, Lands, Tenements, Rents, Services, and Hereditaments whatſoever to the ſame belonging, occupied, reputed, demiſed or taken as part or parcel thereof, by the name of 40 Meſſuages, 20 Tofts, 1 Dovehouſe, 30 Gardens, 20 Orchards, 1000 Acres of Land, 300 Acres of Meadow, 1000 Acres of Paſture, 100 Acres of Wood, 500 Acres of Furz and Heath, and 40 ſhillings of free Rent, with the appurtenances in *Kintbury*, *Holt*, *Hungerford*, *Walcot*, and *Swindon*, in the Counties of *Berks.* and *Wilts.* or by whatſoever number of Acres either ſole or together with any other Mannors, Lands, Tenements, and Hereditaments: and that the aforeſaid Fine, or the aforeſaid Fines concerning the premiſes in the ſaid indenture before mentioned, and the execution of the Fine or Fines ſhould be, and be to the uſe of the ſaid *George Brown* and his heirs and aſſigns for ever, & to no other uſe intent or purpoſe: And the ſaid Jurors farther ſay, That in performance and accompliſhment of a Covenant and agreement in the ſaid Indenture, betweeen the ſaid *Anthony Bridges* the Son of the ſaid *Richard* and *Johanna*, *Barbara*, and *Edward Langford*, and the ſaid *George Brown* in form aforeſaid mentioned, afterwards, and before the aforeſaid *Eaſter* Term, That is to ſay, in the Term of Saint *Hillary* in the year of the Reign of the ſaid Lady the Queen that now is the 32th. aforeſaid, a certain Fine was Levied in the Court of the ſaid Lady the Queen at *Weſtminſter* in the county of *Middleſex*, before *Edmund Anderſon*, *Francis Windham*, *William Periam*, and *Thomas Walmeſly*, then Juſtices of the ſaid Lady the Queen, and other the Lady the Queens faithfull people then there preſent, between the aforeſaid *George Brown* plaintiff, and the aforeſaid *Anthony Bridges* Son of the ſaid *Richard* and *Johanna*, and *Barbara* his Wife, and *Edward Langford* Gentleman deforceant, of the whole Tenements in the ſaid Indenture ſpecified, whereof the ſaid Meſſuage and 26 Acres of Lands are, and at the time of the levying of the ſaid Fine, were parcel amongſt other by the names of the Mannors of *Kintbury*, and *Fally*, otherwiſe great *Fally*, with the appurtenances, and 60 Meſſuages, 20 Tofts, 3 Dovehouſes, 40 Gardens, 50 Orchards, 4000 Acres of Lands, 300 Acres of Meadow, 4000 Acres of Paſture, 300 Acres of Wood, 1000 Acres of Furz and Heath, and 6 pound 13 ſhillings 4 pence of Rent with the appurtenances in *Kintbury*, *Holt*, *Fally*, otherwiſe great *Fally*, *Hungerford*, and Weſt *Shefford*, otherwiſe great *Shefford*: as alſo of the Rectory of great *Fally*, with the appurtenances, and Free Warren and liberty of a Park in Weſt *Shefford*, otherwiſe great *Shefford*, and alſo of the Free Fiſhings *Kennet* in the County of *Berks*, And of the Mannor of *Baddeſden*, with the appurtenances, and 20 Meſſuages, 10 Tofts, 12 Gardens, 8 Orchards, 1000 Acres of Land, 100 Acres of Meadow, 1000 Acres of paſture, 200 Acres of Wood, 500 Acres of Furz and Heath, and 40 ſhillings Rent with the appurtenances in *Baddeſden*, *Lugerſhall*, *Walcot*, and *Swindon* in the County of *Wilts*, whereupon a plea of Covenant was ſummoned between them in the ſaid Court, that is to ſay. That the ſaid *Anthony*, *Barbara*, and *Edward*, acknowledge the ſaid Mannors, Tenements, Hereditaments, Rectorie, Warren, liberty and Fiſhing, with the appurtenances in the ſaid Fine conteined to be the right of the ſaid *George*, as thoſe which the ſaid *George* had of the gift of the ſaid

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Anthony, and the ſame remiſed and quit claimed, from the ſaid *Anthony*, *Barbara*, and *Edward*, and their heirs, to the aforeſaid *George* and his heirs for ever. And beſides the ſaid *Anthony*, and *Barbara*, granted for them and the heirs of the ſaid *Anthony*, that they warrant to the aforeſaid *George* his Heirs and Aſſigns the aforeſaid Mannors, Tenements, Rents, Rectorie, Warren, and Liberties, and Fiſhing, with the appurtenances, in the ſame Fine conteined, againſt the ſaid *Edward* and his heirs for ever, and for this Recognition, releaſe, quit claym, warranty, Fine and Concord, the ſaid *George* granted to the aforeſaid *Edward* a certain yearly Rent of 100 pound, to be going out of & in the aforeſaid Mannors, Tenements, Rents, Rectorie, Warren, Liberties and Fiſhing, with the appurtenances in the ſame conteined, and the ſame to him did render in the ſame Court, to have and to hold and perceave the ſaid yearly Rent of 100 pound to the ſaid *Edward* the whole life of the ſaid *Johanna*, by the name of the Lady *Johanna Bridges*, Mother of the ſaid *Anthony*, at the Feaſt of the *Annunciation* of the bleſſed *Mary* the Virgin, the Nativity of Saint *John* the *Baptiſt*, Saint *Michael* the *Archangel*, and the birth of our Lord, by equal portions yearly to be paid the whole life of the ſaid *Johanna*, the firſt payment whereof to begin at the Feaſt of the Feaſts aforeſaid, which next after the deceaſe of the ſaid *Anthony* ſhould happen to be; And if it ſhould happen the ſaid yearly Rent of 100 pound or any part thereof to be behind in part or in all after any of the aforeſaid Feaſts in which (as before is ſaid) it ought to be paid, not paid by the ſpace of 30 dayes, That then and ſo often the ſaid *George* and his heirs forfeit to the ſaid *Edward* 4 pound and 15 ſhillings, *Nomine pœnæ*, as often as the ſaid yearly Rent of 100 pound or any parcel thereof ſo to be behinde ſhould happen, and that then and ſo often it ſhould be well lawfull to the ſaid *Ed.* all the life time of the ſaid *Johanna*, into the aforeſaid Mannors, Tenements, Rents, Rectorie, Warren, Liberty, and Fiſhing, with the appurtenances in the ſaid Fine conteined, and every part and parcel thereof to enter and diſtreyn, and the diſtreſſes ſo here taken and had, Lawfully to lead carry away and drive, and the ſame to keep, until aswel of the aforeſaid yearly Rent of 100 pound with the arearages thereof, if any ſhould be, as of the aforeſaid 4 pound 15 ſhillings, *Nomine Pœnæ*, as before is ſaid, he ſhould be fully ſatisfied and paid. Alſo the aforeſaid *George* granted to the aforeſaid *Anthony* and *Barbara* the aforeſaid Mannors of *Baddeſden* and *Fally*, otherwiſe great *Fally* with the appurtenances, and 20 Meſſuages, 10 Tofts, 10 Gardens, 6 Orchards, 1000 Acres of Land, 100 Acres of Meadow, 1000 Acres of Paſture, 100 Acres of Wood, 500 Acres of Furz and Heath, and 50 ſhilling Rent, with the appurtenances in *Baddeſden*, *Lugerſhall*, *Fally*, otherwiſe great *Fally*, and Weſt *Shefford*, and the Rectorie of great *Fally*, with the appurtenance, and Free Warren, and Liberty of a Park in Weſt *Shefford*, otherwiſe great *Shefford* aforeſaid, parcel of the Mannors, Tenements and Rents aforeſaid, with the appurtenances, in the ſaid Fine conteyned, and then did render in the ſame Court, To have and to hold, to the ſaid *Anthony*, and *Barbara*, of the chief Lords of the Fee by the ſervices which to thoſe Mannors, Tenements, Rents, Rectories, Warren, and Liberty of Park do belong, the whole life of the ſaid *Anthony* and *Barbara*, and to the longeſt liver of them, without impeachment of any waſte, the whole life

of

of the ſaid *Anthony*: And after the deceaſe of the ſaid *Anthony* and *Barbara*, the ſame Mannor, Tenements, Rents, Rectories, Warren, and Liberties of Park with the appurtenances, wholly to return to the ſaid *George* and his heirs, To be holden of the Lords of the Fee, by the ſervices which to thoſe Mannors, Tenements, Rents, Rectory, Warren and liberty of Park, belonging for ever: And the aforeſaid Jurors further ſay upon their Oath aforeſaid, that the ſaid *Johanna* in the ſaid Meſſuage and 26 Acres of Land amongſt other with the appurtenances, in form aforeſaid being ſeiſed, the ſaid *Johanna* afterwards, and before the within written time in which, *&c.* the 7th. day of *October*, in the year of the Reign of the ſaid Lady the Queen that now is, the 32th. at *Swindon* aforeſaid, by her certain Indenture of demiſe, between the ſame *Johanna* by the name of *Jane Harcourt* of *Lugerſhall*, in the County of *Wilts*. Widdow, of the one party, and *Edward Bridges* Eſquire, *William Bridges*, and *Anthony Bridges* Sons of the ſayd *Edmond*, and their aſſignes, of the other party made, which Indenture is dated the 21th. day of *Auguſt* in the year of the Reign of the ſaid Lady the Queen that now is the 32th. aforeſaid, aſwell for and in Conſideration of the ſurrender of one Indenture of Demiſe before then granted, of all and ſingular the premiſes in the ſaid Indenture, to the aforeſaid *Johanna* then after demiſed or to be demiſed of 19 years and more then to come and not expired, which the aforeſaid *Edmond* before that time had and injoyed, As of a former Indenture of Demyſe, at or before the ſealing and deliverie of the ſaid Indenture now in Evidence ſhewed, the aforeſaid *Edward Bridges* had ſurrendred and delivered unto the hands and poſſeſſion of the ſaid *Johanna*, as for divers other good cauſes and conſiderations the ſame *Johanna* ſpecially moving, Demiſed, granted and to Farm let, to the ſaid *Edmond Bridges*, *William Bridges*, and *Anthony Bridges*, Sons of the ſaid *Edmond*, the aforeſaid Meſſuage and 26 Acres of Land with the appurtenances amongſt other things, to have and to hold the aforeſaid Meſſuage and 26 Acres of Land amongſt other to the aforeſaid *Edmond*, *William*, and *Anthony Bridges* the aforeſaid 2 Sons of the ſaid *Edmond Bridges*, for the Term of their natural lives, and for the Term of the life of the longeſt liver, and every of them ſucceſſively to be injoyed, Yielding and paying therefore yearly, during the ſaid Term, to the aforeſaid *Johanna*, under & by the name of *Jane Harcourt* her heirs & aſſigns 4 pound and 2 pence of good and Lawfull mony of *England* at two uſual Feaſts or Terms of the year, that is to ſay, at the Feaſt of the *Annunciation* of the bleſſed *Mary* the Virgin 40 ſhillings and 1 penny, and at the Feaſt of Saint *Michael* the *Archangel* the like ſum of 40 ſhillings and 1 penny, reſidue of the aforeſaid 4 pound & 2 pence, as by the ſaid indenture of Demiſe to the ſaid Jurors in Evidence ſhewed, more fully appeared, by virtue of which demiſe, the ſaid *Edmond Bridges*, *William Bridges*, and *Anthony Bridges*, Sons of the ſaid *Edmond*, were ſeiſed of the aforeſaid Meſſuage and 26 Acres of Land within written, as the Law requireth: And farther the ſaid Jurors ſay upon their Oath, that the aforeſaid Meſſuage, 26 Acres within written, and the reſt of the Tenements in the ſaid Indenture of Demiſe by the ſaid *Johanna* under and by the name of *Jane Harecourt* to the ſaid *Edmond*, *William*, and *Anthony*, Sons of the ſaid *Edmond*, in form aforeſaid demiſed, were not uſually demiſed for the

the greater part of 20 years next before the ſame demiſe (as before is ſaid) made for ſo little rent as by the aforeſaid Indenture thereof now in evidence ſhewed, in form aforeſaid was reſerved: And the aforeſaid Jurors farther ſay upon their Oath, that the aforeſaid *Johanna* afterwards, and before the time in which, *&c.* that is to ſay, the 29th. day of *September* in the year of the Reign of the ſaid Lady the Queen that now is the 35th. at *Lugerſhall* aforeſaid dyed: After whoſe death the ſaid *George Brown* into the Tenements within written with the appurtenances in which, *&c.* upon the poſſeſſion of the ſaid *Edmond Bridges*, *William* and *Anthony Bridges*, Sons of the ſaid *Edmond*, thereof entred, and was thereof ſeiſed, as the Law requireth: and ſo being thereof ſeiſed, afterwards and before the aforeſaid time in which, *&c.* that is to ſay, the within written 22th. day of *October* in the 35 year aforeſaid, Demiſed to the ſaid *James* the ſaid whole Tenements within written with the appurenances in which, *&c.* To have and to hold to the ſaid *James* and his aſſignes from the within written Feaſt of Saint *Michael* the *Archangel*, until the end and Term within mentioned of 4 years from thence next enſuing and fully to be compleated; by virtue of which demiſe, the ſaid *James* into the ſaid Tenements within written with the appurtenances entred, and was thereof poſſeſſed as the Law requireth, upon whoſe poſſeſſion of the ſaid *James*, the aforeſaid *Thomas Spencer*, as ſervant of the ſaid *Edmond Bridges*, and by his Commandment within written the time in which, *&c.* into the ſaid Meſſuage and 26 Acres of Land entred, and the ſaid *James* from his Farm aforeſaid thereof did eject: But whether upon the whole matter aforeſaid by the aforeſaid Jurors in form aforeſaid found, the entry of the ſaid *Thomas Spencer* into the aforeſaid Meſſuage and 26 Acres of Land with the appurtenances upon the poſſeſſion of the ſaid *James* thereof be a good and Lawfull Entry in Law or not, the ſaid Jurors are altogether Ignorant, and Pray thereof the adviſe and diſcretion of the Juſtices here, *&c.* And if upon the whole aforeſaid matter, It ſhall ſeem to the Juſtices, and Court here, that the aforſaid Entry of the aforeſaid *Thomas Spencer* upon the poſſeſſion of the ſaid *Iames Linche* be not a good and Lawfull entry in Law, then the ſaid Jurors ſay upon their Oath, that the ſaid *Thomas Spencer* is guilty of the Treſpaſs and Ejectment aforeſaid, in the aforeſaid Meſſuage and 26 Acres of Land, as the aforeſaid *Iames* againſt him within complaineth, and then they aſſeſs the damages of the ſaid *Iames*, by the occaſion of the ſaid Treſpaſs and Ejectment, above his charges and coſts by him about his ſute in his behalf expended to 4 pence, and for his charges and coſts to 12 pence: and if upon the whole matter aforeſaid, It ſhall ſeem to the Juſtices and Court here, that the aforeſaid entrie of the ſaid *Thomas Spencer* upon the poſſeſſion of the ſaid *Iames* be a good and Lawfull entrie in Law, then the ſaid Jurors ſay upon their Oath, that the ſaid *Thomas Spencer* is not guilty of the Treſpaſs and Ejectment aforeſaid, in the ſaid Meſſuage within alleged: And becauſe the Juſtices here will aviſe themſelves of and upon the premiſes before they give their Judgment thereof, day is given to the parties aforeſaid here, until in 8 dayes of Saint *Hillary* to hear their Judgement thereof, becauſe that the ſaid Juſtices here thereof are not yet *&c.* at which day come aswell the aforeſaid *Iames* as the aforeſaid *William* and *Thomas* by their Attornies aforeſaid, and becauſe the Juſtices here

will

will further adviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day farther is given to the parties aforeſaid here, until from *Eaſter* in 15 dayes for to hear their Judgement therof, becauſe the ſaid Juſtices here are not thereof yet, *&c.* At which day here come aſwell the ſaid *Iames* by *George Dancombe* his Attorny, as the ſaid *William* and *Thomas* by their Attorny aforeſaid, and becauſe the Juſtices here will farther aviſe of and upon the premiſes, before they give their Judgement thereof, further day is given to the parties aforeſaid here, until the morrow of *Holy Trinity* to hear their Judgment thereof, becauſe the ſaid Juſtices here thereof not yet, *&c.* At which day here come aſwel the aforeſaid *Iames* by the aforeſaid *George Dancombe* his Attorny, as the ſaid *Willam* and *Thomas* by their Attorn y aforeſaid: and becauſe the Juſtices here will aviſe of and upon the premiſes before they give their Judgement thereof, further day is given to the parties here, until in 8 dayes of St. *Michael*, to hear their Judgmeut thereof, becauſe the ſaid Juſtices here thereof are not yet: At which day here come aſwell the ſaid *Iames Linch* by the aforeſaid *George Dancombe* his Attorny, as the aforeſaid *William Spencer* and *Thomas Spencer* by their Attorny: And upon this the verdict aforeſaid being ſeen, and by the Juſtices here fully underſtood, it ſeemeth to the Juſtices here, that the aforeſaid entry of the aforeſaid *Thomas Spencer* into the aforeſaid Meſſuage and 26 Acres of Land upon the poſſeſſion of the ſaid *Iames Linch*, is not a good and Lawfull entry in Law, Therefore It is granted, that the aforeſaid *John Linch* recover againſt the aforeſaid *Thomas Spencer* his Term aforeſaid yet to come of and in the aforeſaid Meſſuage and 26 Acres of Land with the appurtenances, and his damages aforeſaid to 16 pence, by the Jurors aforeſaid, in form aforeſaid aſſeſſed, As alſo 26 pound 9 ſhillings to the ſaid *Iames* at his requeſt, for his charges and coſts aforeſaid by the Court here of increaſe adjudged, which damages in the whole do amount to 26 pound 10 ſhillings and 4 pence, and the aforeſaid *Thomas* be taken, *&c.* And alſo the ſaid *Iames* in mercy for his falſe clamor againſt the aforeſaid *William Spencer* of the whole Treſpaſs and Ejectment aforeſaid, and againſt the aforeſaid *Thomas Spencer* of the reſidue of the Treſpaſs and Ejectment aforeſaid, thereof the ſaid *William* and *Thomas* and the Jurors aforeſaid above be acquitted, therefore the ſaid *William* and *Thomas* go thereof without day, *&c.* and hereupon the ſaid *Iames* prayeth the writ of the Lady the Queen, to the Sheriff of the County aforeſaid to be directed, to give him poſſeſſion of his Term yet to come of and in the aforeſaid Meſſuage and 26 Acres of Land with the appurtenances, and it is granted unto him retorneable here from the day of Saint *Martin* in 15 dayes, *&c.* Afterwards, that is to ſay, the 26th. day of *November* in the year of the Reign of the ſaid Lady the Queen that now is the 40th. come here into Court the aforeſaid *Iames* by the aforeſaid *George* his Attorny, and by a ſpecial warrant to him in that behalf made, confeſſed himſelf to be ſatisfied of the damages aforeſaid, therefore the aforeſaid *Thomas* of the ſaid damages be acquitted, *&c.*

Ejectione Firme.

Hillary Term 40. *Elizabeth*, Rott. 748. in the KINGS BENCH, *Adams* and *Lamberts* Caſe, *C.* 4. *part. fo.* 96.

Buck.

MEmorandum, That at another time, That is to ſay, in *Michaelmaſs Term* laſt paſt, before the Lady the Queen at *Weſtminſter*, came *Theophilus Adams* Gentleman by *John Povey* his Attorny, and brought here in the Court of the ſaid Lady the Queen then there his bill againſt *John Lambert* in the cuſtody of the Marſhal, *&c.* of a plea of Treſpaſs and Ejectment of him out of his Farm, and are pledges of ſute, *John Doo:* and *Richard Roo:* which Bill followeth in theſe words, ſſ. Buck, *Theophilus Adams* Gentleman complayneth of *John Lambert* in the cuſtody of the Marſhal of the Marſhalſey of the Lady the Queen, before the Queen her ſelf being, for that, that is to ſay, That whereas one *Robert Snelling* Gentleman, and *Thomas Butler* Gentleman, the 23th. day of *May* in the year of the Reign of the Lady the Queen *Elizabeth* that now is, of *England* the 36. at the Town of *Buckingham* in the County aforeſaid, had demiſed, and to Farm Letten to the ſaid *Theophilus*, 1 Meſſuage and 10 Acres of Land to the ſaid Meſſuage neer lying, called the *Conigree*, ſituate, lying and being in the Town of *Buckingham* aforeſayd in the County aforeſaid, To have to the ſaid *Theophilus* and his aſſigns, from the aforeſaid 23 day of *May* in the 36 year aforeſaid, untill the end and Term of 10 years from thence next following and fully to be compleat and ended, by virtue of which demiſe the ſame *Theophilus* afterwards, that is to ſay the 16 day of *April* in the year of the Reign of the ſaid Lady the Queen that now is the 39, into the aforeſaid Tenements with the appurtenances entred, and was thereof poſſeſſed until the aforeſaid *John Lambert* afterward, that is to ſay, the ſame 16 day of *April* in the 39 year aforeſaid with force and Arms, *&c.* into the Tenements aforeſaid with the appurtenances upon the poſſeſſion of the ſaid *Theophilus* thereof entred, and him the ſaid *Theophilus* from his Farm thereof, his Term aforeſaid not yet ended, ejected expelled and amoved, and from his poſſeſſion thereof held out, and yet holdeth out, and other harms to him did againſt the peace of the ſaid Lady the Queen that now is, to the damage of the ſaid *Theophilus* of 20 pound, and thereof he bringeth ſute, *&c.* and now at this day, that is to ſay, *Monday* next after 8 dayes of Saint *Michael*, this Term, until which day the aforeſaid *John Lambert* had licence to imparl to the Bill aforeſaid and then to anſwer, *&c.* before the Lady the Queen at *Weſtminſter* came aſwel the aforeſaid *Theophilus Adams*, by his Attorny aforeſaid, as the ſaid *John Lambert* by *John Harborn* his Attorny, and the ſaid *John Lambert* defendeth the force and Injury when, *&c.* and ſaith, that he is not thereof guilty, and of this putteth himſelf upon the Country, and the ſaid *Theophilus* likewiſe, *&c.* and therefore a Jury thereof was to be before the Queen at *Weſtminſter* upon *Monday* next after the morrow of the *Puri*ſica-

rification of the bleſſed Lady *Mary* by whom, *&c.* and who neither, *&c.* Becauſe aſwel, *&c.* Day is given to the parties aforeſaid thence, *&c.* of which day the Jurors aforeſaid, between the parties aforeſaid, of the plea aforeſaid were put in reſpit before the Lady the Queen at *Weſtminſter* until *Monday* next after the Month of *Eaſter* in the year of the ſaid Lady the Queen that now is the 41th. for default of Jurors, *&c.* At which day before the ſaid Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid by their Attorneys aforeſaid: And the Jurors of the ſame Jury being called come likewiſe, who to ſay the truth of the premiſes choſen, tryed, and ſworn, ſay upon their Oath, that long before the time of the Treſpaſs and Ejectment aforeſaid, that is to ſay, the 5 day of the month of *June* in the year of our Lord 1431 and in the year of the Reign of King *Henry* the 6 after the conqueſt the 9, one *John Barton* the Elder was ſeiſed of the aforeſaid Meſſuage and of 6 Acres of Paſture parcel of the aforeſaid 10 Acres of Paſture in the Declaration aforeſaid ſpecified, in which it is ſuppoſed the Treſpaſs and Ejectment aforeſaid to be done, amongſt other, in his demeſn as of Fee, and ſo thereof, of the Meſſuage aforeſaid and of the ſaid 6 Acres of Paſture with the appurtenances parcel, *&c.* ſeiſed, *&c.* Enfeoffed *William Brampton*, to have and to hold to him and his heirs to the behoof and uſe of the aforeſaid *John Barton* the Elder and his heirs: By virtue whereof, the aforeſaid *William Brampton* was ſeiſed of the Meſſuage and 6 Acres of Land parcel, *&c.* with the appurtenances, in his demeſn as of Fee, to the uſe of the aforeſaid *John Barton* and his heirs, and the aforeſaid *William Brampton* ſo thereof being ſeiſed, the aforeſaid *John Barton* afterwards, that is to ſay, the aforeſaid 5 day of the Moneth of *June* in the year of our Lord 1431 in the ſaid year of the Reign of the ſaid late King *Henry* the 6. the 9 aforeſaid, at *Buckingham* aforeſaid made his Teſtament and laſt will within written of the aforeſaid Meſſuage and 6 Acres of paſture parcel, *&c.* amongſt other things in theſe words, *&c.* In the name of God Amen. ſt. The 5 day of the Moneth of *June* 1431 of the late Reign of King *Henry* the 6 after the Conqueſt of *England* the 9, I *John Barton* the Elder, being of perfect minde and good memory, do make and ordein my preſent Teſtament Indented conteyning my laſt will, in this manner: *Imprimis*, I give and recommend my ſoul to God and my omnipotent Creator and Saviour, and to the bleſſed *Mary* the Virgin his Mother, and to all the Saints, and my body to be buried in the Church of the bleſſed *Peter* the Apoſtle of *Buckingham*, that is to ſay, in the Church of Saint *Rumwold*, in the ſame place, wherein a Marble ſtone for my burying I have ordeined and appointed, and for this my burial there to be had I give to the building of the body of the ſaid Church 40 ſhillings, alſo I will, and Ordain that ſpeedily after my death there be celebrated for my ſoul 4000 Maſſes, for the celebrating of which I give 16 pound 13 ſhillings 4 pence, and for his payns who about this ſhall imply him ſelf, that fully faithfully and ſpeedily it be performed, 6 ſhillings 8 pence. *Item* I give to the religious men under written, that they as ſoon as by my Executors or their deputies they be acquainted of my death, ſo ſpeedily as conveniently it may be done, every order of them ſay a *Placebo* and *Dirige* by note, and the day following the Maſs of *Requiem* with note for my ſoul, the ſouls of my Father and Mother, my friends and Benefactors, and for the ſouls of

all the faithfull departed, that is to say, to the Master and Brethren of the house and Church of Saint *Thomas* the Martyr of *Canterbury*, called of *Acons London*, 40 shillings, to the Master and Brethren of the Hospital of Saint *Bartholemew* in west *Smithfield London*, 40 shillings, to the Abbot and Covent of *Bethesden* in the County *Buckingham*, 100 shillings, to the Prior and Govent of *Luffeild*, 40 shillings, to the Prior and Covent of *Cheitwood*, 40 shillings, to the Prior and Covent of *Snelsale*, 20 shillings, to every order of the 4 orders of Fryars *Mendicants* in the Town of *Northampton*, 20 shilling, to every order of the 4 orders of Fryars *Medicants* in the Town of *Oxford*, 20 shillings, to the Covent and Fryars *Minors* of *Aplebury*, 20 shillings, to every order of the 5 orders of Fryars in the City of *London*, 20 shillings; Also I bequeath to the Brother of *John Upton* 100 shillings, that he for my Soul celebrate for one whole year next after my death; and I will that all the religious men aforesaid by my Executors or their Deputies be charged that they especially pray for my soul. *Item* I give and bequeath to *John Barton* the younger my Brother, all my Tenements, together with all the Tenements which late were *Roger Plirets*, which I purchased with the Rents and Services, together with the Reversion and all their appurtenances in the Town of *Buckingham* in the County of *Buckingham*, to have and to hold all the Tenements aforesaid, with their appurtenances, to the aforesaid *John* my Brother, for the Term of his life, upon the Conditions following, that is to say, that the said *John* my Brother during his life, find one fit Chaplein and honest to celebrate for my Soul and the Souls of my Father, Mother, Brothers, Sisters, Benefactors, and my friends, and of all the faithfull deceased, at the Altar of Saint *James* in the aforesaid Church of the blessed *Peter*, dayly; and I will and ordain, that the aforesaid Chaplein all Festival dayes be present at Matines and Vespers, in the quire of the Church aforesaid; and I will that the said Chaplein every day within the Church aforesaid, the Mattines of Saint *Mary*, and after the Matines of the day with certain howers *Canonical*, and these to be ended every day, the said Chaplein before he goeth to Mass, read a part of the Psalter of *David*, so alwayes that from the said Chaplein every week be said one whole Psalter of *David*, and afterwards dayly when he is not troubled with sickness, that he go to Mass, which Mass ended, before he go from the Altar, he read the Psalm *de profundis*, with the prayer *festina*, and dayly after dinner, as it shall seem best to him that the said Chaplein say in the said Church of the blessed *Peter*, a *Placebo* and *Dirige* with 9 Readings time of *Easter* excepted, which time of *Easter* he say *Officium mortuorum* with 3 Readings according to the use of *Salisbury*, and following every day of the same time of *Easter* the Psalter of the blessed *Mary* the Virgin, and that afterwards follow the commendations of Souls, with the prayer, *Tibi Domine commendamus*, after that he say *vesperas de die*, and afore the vespers of Saint *Mary*, and that the said Chaplein if not hindred with sickness, every day that he shall in the default of saying Mass in the said Church of Saint *Peter*, that he give to one of the poor of the Town of *Buckingham* aforesaid, 1. penny. I will also that the said Chaplein make his abode alwayes there, yet that the said Chaplein every year have recreation by the space of 15 dayes, so alwayes as the said Chaplein supply his turns by another Chaplein, or every day of the

said

ſaid 15 dayes, do give to one of the poor of Town of *Buckingham* a penny; And I will that the aforeſaid *John* my Brother yearly during his life, pay to the ſaid Chaplein in the aforeſaid Church of Saint *Peter* for his mayntenance and his pains, as before is ſaid done and to be done, 10 Marks of Lawfull mony of *England* out of the iſſues and profits of the Tenements aforeſaid; ſo alwaies, that the ſaid Chaplein of the ſaid ſum of 10 Marks for his ſallery or ſtipend, reputed himſelf contented, from no other any ſtipend to be received or taken: And I the ſaid *John Barton* the Elder, will and ordain in the Teſtament aforeſaid, that the ſaid Chaplein and his ſucceſſors to the office and ſervice aforeſaid, be choſen, ordained, preferred, admitted and received, by the Maſter and Brethren of the houſe or Church of Saint *Thomas* the Martyr of *Canterbury*, called of *Acon London*, aforeſaid, and his ſucceſſors for ever, and if they do not behave themſelves well and honeſtly, or if they ſhall neglect or refuſe to do or perform the charges aforeſaid, by the ſaid Maſters and Brethren and their ſucceſſors, or by their ſufficient deputies, from the ſaid office or ſervice they be removed and expelled, and another fit Chaplein in the place of the ſaid Chaplein for his faults removed, expelled, or by death failing, or otherwiſe howſoever from the ſaid office or ſervice ceaſing or departing, by the aforeſaid Maſters and Brethren of the houſe or Church of Saint *Thomas* aforeſaid and his ſucceſſors be choſen, ordained, preferred, admitted and received, ſo as the Lord Biſhop of *Lincoln*, who for time ſhall be, or the Arch-Deacon of the place, or the Prebendary of the Prebend of *Buckingham*, or other in their name, upon the Election, Ordination, Preferring, Admiſſion, and remotion or amoving of the ſaid Chaplein, no juriſdiction or power have or claym hereafter in any manner; therefore let the ſaid Maſter and Brethren and their ſucceſſors take care upon the peril of their ſouls, and as they will anſwer the ſame before the moſt high Judge, that neither for Favour, Love, Prayer or Price they ordain any Chaplein into the aforeſaid office or ſervice, admit or receive, but an honeſt and an approved perſon as much as his converſation can appear to them, and that the aforeſaid Chaplein to the ſaid office and ſervice to be admitted, in his firſt admiſſion the aforeſaid Maſter and Brethren of the houſe and Church of Saint *Thomas* aforeſaid and their ſucceſſors take his corporal Oath upon the holy Goſpel, all and ſingular the charges aforeſaid without fraud or deceit, or any diſpenſation upon them to the contrary notwithſtanding, in the manner and form aforeſaid above declared, will and faithfully to be done and performed, as much as humane frailty will admit. and that every Chaplein to the ſaid office or ſervice to be admitted, in his firſt admiſſion finde and make to the Maſters and Brethren of the houſe and Church of Saint *Thomas* the Martyr of *Canterbury* ſaid of *Acon London* aforeſaid, for the time being, ſufficient ſecurity for the Ornaments of the ſaid Altar of Saint *James* belonging ſafely and ſecurely to keep, and in their reſigning and ceaſing to render back and deliver: And moreover that the ſaid *John* my Brother during his life finde in the Town aforeſaid 6 poor men or women, to pray for my ſoul and the ſouls aforeſaid every day forever, and that he give every week during his life to every one of the ſame poor 4 pence, and alſo to every one of them their dwelling (as by the will of God) for them I have appointed and ordained, and alſo

ſo that the ſaid *John* my Brother all his life finde one Lamp burning every day and night, before Saint *Rombald* in the Church of the bleſſed *Peter* aforeſaid, as now is found and maintained; and that my ſaid Brother during his life, hold or cauſe to be held my Anniverſary and of my Father and Mother yearly in the day of the Tranſlation of Saint *Benedict* in the Church of the bleſſed *Peter* aforeſaid, in which Anniverſary the ſaid *John* my Brother yearly two wax lights at the Dirige, and the day following at the Maſs, one at the head, and the other at the feet of my Sepulcher burning, every wax light to contein 3 pounds, which Funerals of me being completed, I will that all that which ſhall be remaining of the ſaid wax lights, be ſent and remain to the Altar of Saint *James* aforeſaid, upon the Candleſtick there being, to the Chaplain of my Chancery aforeſaid, to ſerve every feſtival day at Maſs as long as it may laſt: and that the aforeſaid *John* my Brother during his life finde yearly one competent torch to ſerve at the Altar aforeſaid: And I will that all the aforeſaid Tenements, Rents and Services, with the reverſions, and all their appurtenances, after the deceaſe of the ſaid *John* my Brother, whole remain to *Margaret* and *Iſabel* my Siſters, for the term of their lives, and the life of the longer liver of them, To be holden of the Chief Lords of the Fee, by the Services thereof due and of right accuſtomed, upon condition that the ſaid *Margaret* and *Iſabel* during their lives, do perform and obſerve all and ſingular the charges before limited in form aforeſaid, and after the death of the ſaid *Margaret* and *Iſabel*, I will all the aforeſaid Tenements, Rents and Services, with the reverſions, and all their appurtenances wholy to remayn wholy to *William Fowler*, To be holden to him and his heirs of his body Lawfully to be begotten, of the chief Lords of the Fee, by the ſervices thereof due and of right accuſtomed, upon condition, that be the ſaid *William* and his heirs do perform and keep all and ſingular the charges above written in the form aforeſaid for ever. And if it ſhall happen the ſaid *William Fowler* to dy without heir of his body Lawfully begotten, that from thence all the aforeſaid Tenements, Rents and Services with the reverſions, and all their appurtenances, whole remain to *John Somerton* my Couſen, and the heirs of his body Lawfuly begotten, to be holden of the chief Lords of the Fee, by the ſervices thereof due and of right accuſtomed, upon condition that he the ſaid *John Somerton* and his heirs all and ſingular the charges above written in form aforeſaid fulfill and keep for ever, and if it ſhall happen him the ſaid *John Somerton* to dy without heir of his body iſſuing, That from thence all the aforeſaid Tenements, Rents and Services with the reverſions and all their appurtenances, whole remain to *William Purfrey* my Couſen, and the heirs of his body Lawfully begotten, to be holden of the Lords of the Fee, by the ſervices thereof due and of right accuſtomed, upon condition, that the ſame *William Purfrey* and his heirs aforeſaid do perform and obſerve all and ſingular the charges above written in form aforeſaid for ever; And if it ſhall happen the ſaid *William Purfrey* to dy without heir of his body iſſuing, from hence I do give and bequeath that all the aforeſaid Rents and Services with the reverſions, and all their appurtenances, whole remain to the Maſter of the houſe of Saint *Thomas* the martyr of *Acon London* aforeſaid, to have and to hold to him and his ſucceſſors, Maſters of the ſame houſe of Saint *Thomas* to

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the end and Term of 40 years from thence next following, and fully to be ended: and after the ſaid Term to be ended, that all the Tenements aforeſaid, Rents and Services, with the reverſions, and all their appurtenances remayn to the Maſter of the Hoſpital of Saint *Bartholomew* in Weſt *Smithfield London* aforeſaid, to have and to hold to the ſame Maſter and his ſucceſſors, Maſters of the ſaid Hoſpital of Saint *Bartholomews* to the term and end of 40 years from thence next enſuing and fully to be compleated, to every of them upon the condition following, that is to ſay, that every of the ſaid Maſters and their ſucceſſors, during their Terms, do and perform all and ſingular the charges above limited in form aforeſaid: And if it ſhall happen the ſaid *John* my Brother during his life in fullfilling the charges aforeſaid to make default, or not to perform the ſame, or all the aforeſaid Tenements during his life not ſufficiently to repair & ſuſtain, or the ſame or any parcel thereof to alien or to let the ſame at a lower rate in prejudice to the other perſons in remainder aforeſaid named, that then it ſhall be Lawfull to the ſaid *Margaret* and *Iſabel* into the aforeſaid Tenements, Rents and Services, with the reverſions, and all their appurtenances to enter, and the ſame to hold as in their remainder aforeſaid without the contradiction of any one, And that from thence the eſtate of the ſaid *John* my Brother ſhall altogether ceaſe, and be of no value; and if it ſhall happen the ſaid *Margaret* and *Iſabel* during their lives in doing and performing of all the charges aforeſaid to make default, or the ſame not to fulfil, or all the Tenements aforeſaid during their lives not ſufficiently to ſuſtain and repair or them to alien or demiſe as before is ſaid, or be negligent to enter, if cauſe as aforeſaid ſhall happen, that then it ſhall be Lawfull to the aforeſaid *William Fowler* and his heirs aforeſaid, into all the aboveſaid Tenements, Rents and Services, with the reverſions, and all their appurtenances, to enter as in his remainder aforeſaid, and the ſame to hold without any contradiction, and that then the eſtate of the ſaid *Margaret* and *Iſabel* as aforeſaid, altogether to ceaſe and be of no value: And if the aforeſaid *William Fowler* or his heirs aforeſaid, in doing and performing to make default, or not to fulfil, or all the aforeſaid Tenements not ſufficiently to be ſuſtained or repaired, or to be aliend or demiſed as before is ſaid, or be negligent to enter, if cauſe as before is ſaid ſhall happen, that from thence it be well Lawfull to the aboveſaid *John Somerton* and his heirs aboveſaid into all and ſingular the aforeſaid Tenements, Rents and Services, with the reverſions and all their appurtenances, to enter as in his remainder aforeſaid, and the ſame to hold without any contradiction, and that from thence the eſtate of the aforeſaid *William Fowler* and his heirs aforeſaid, as is aforeſaid, ſhall ceaſe and be of no value: And if it happen the aforeſaid *John Somerton* or his heirs aforeſaid in doing and performing all and ſingular the charges aforeſaid to make default, or the ſame not to fulfill, or all the aforeſaid Tenements not ſufficiently to uphold and repair, or to alien or demiſe the ſame as above is ſaid, or that they be negligent to enter if cauſe as before is ſaid ſhall happen, that from thence it ſhall be well Lawfull to the aforeſaid *William Purfrey* and his heirs aforeſaid into all the Tenements aforeſaid, Rents and Services, with the reverſions, and all their appurtenances to enter as in his Remainder aforeſaid, and the ſame to hold without any contradiction, and that from thence the eſtate

ſtate of the ſaid *John Somerton* and his Heirs aforeſaid, in all the Tenements aforeſaid altogether to ceaſe, and be of no value. And if it happen the ſaid *William Purfrey*, and his Heirs aforeſaid, in fulfilling all and ſingular the charges aforeſaid to make default, or the ſame not to repair, or all the aforeſaid Tenements not ſufficiently to uphold and repair, or the ſame to alien or demiſe, as above is ſaid, or they be negligent to enter, if cauſe as before is ſaid ſhall happen, That then the ſtate of the ſaid *William Purfrey*, and his Heirs altogether ceaſe, and be of no value; And that from thence, It be lawful to the ſaid Maſter of the Houſe of the Holy Martyr of *Acon London*, and his Brethren, of the ſame Houſe, and their Succeſſors, into all the aforeſaid Tenements, Rents and Services, with the Reverſions, and all their appurtenances to enter, and in the Remainder of their Term aforeſaid, To be holden in form aforeſaid; And if it ſhall happen the ſaid Maſter and Brethren of the Houſe of St. *Thomas* aforeſaid, or their Succeſſors aforeſaid, in doing and fulfilling all and ſingular the charges above ſpecified to make default, or the ſame not to fulfil, Or all the Tenements aforeſaid, as above is ſaid, not ſufficiently to uphold and repair, or they be negligent to enter, if cauſe ſhall happens as before is ſaid, That from thence, It ſhall be lawful to the Maſter of the Hoſpital of St. *Bartholmew* aforeſaid, and the Brethren of the ſaid Hoſpital, and their Succeſſors, into all the aforeſaid Tenements, Rents and Services, with the Reverſions and all their appurtenances, to enter as in the Remainder of their Term aforeſaid, and that then the eſtate of the ſaid Maſter of the Houſe of St. *Thomas* aforeſaid to ceaſe: And if it happen the ſaid Maſter and Brethren of the Hoſpital of St. *Bartholmew* aforeſaid, in doing and fulfilling all and ſingular the charges above declared to make default, or the ſame not to perform, or all the Tenements aforeſaid, not ſufficiently to uphold or repair, That then it ſhall be lawful to my right Heirs, unto all the aforeſaid Tenements, Rents, and Services, with the Reverſions, and all and ſingular their appurtenances to enter, and the ſame to hold, without any contradiction whatſoever for ever, ſupporting all the charges aforeſaid, as above is ſaid, as they will for me and them before the moſt high Judge Anſwer. And becauſe this my laſt Will was made and ordained for the good of the Souls of my Father and Mother, and of my own Soul, and the Souls of my Brothers and Siſters, Friends, and Benefactors; I pray and charge the ſaid *John* my Brother, as for me and himſelf he will anſwer it, that all his life time he overſee the government of the *Chauntry* aforeſaid, and that the charges aforeſaid in this my laſt Will and Teſtament declared, be inviolably fulfilled and kept; And that he give notice to all thoſe who in manner aforeſaid, ſhall have any eſtate in the ſaid Tenements, Rents, and Services, with the Reverſions and all their appurtenances, that they know the Tenor of this my laſt Will and Teſtament. And I will that my Feoffees of the Tenements with the appurtenances, which my poor men now dwell in, becauſe the ſame is not dividable, that they make ſuch eſtate after my death, to all thoſe above named, as they have of my bequeſt of and in Tenements in *Buckingham* aforeſaid, to the uſe of the ſaid Poor their dwelling, upholding the Reparations of the ſaid Tenement of the aforeſaid Poor, as often as need ſhall require; And becauſe I doubt leſt the Tenements aforeſaid be ſufficient to uphold all the aboveſaid

charges

charges, by reaſon of the great charge of repairing thereof, I will that my Feoffees preſently after my death make ſuch eſtate to all thoſe above named, of all thoſe my Lands and Tenements in the Towns of *Barton*, *Moreton*, *Gravecaſe*, with the Prebend of *Lemburgh*, *Thornborough*, *Hilleſden*, *Waterſtratford*, *Shatdeſton*, and *Foycale*, in the County of *Buckingham*, And of all thoſe Lands with the Appurtenances in the Fields of *Buckingham*, As alſo of my Lands and Tenements in *Worton*, in the County of *Oxford*, and of my one Tenement in the Town of *Oxford*, in which the Feoffees ſhall have as they have of my gift of and in the Tenements of *Buckingham* aforeſaid, ſo as they may ſufficiently uphold all the charges aforeſaid, and receive, and take, what is reaſonable for their labour and pains. *Item*, I will that my Executors, or one of them, according to their Aſſignment, upon the *Good-fryday* next after my death, cauſe him who ſhall preach at the Croſs in the Church-yard of the Cathedral Church of St. *Paul London*, to the prayers there of the people recommend my Soul to the Congregation there aſſembled; For which recommendation (and that he pray for my Soul) I will that the Preacher have 40. pence. *Item*, I will that the Three Preachers, who in the Church-yard of the New Hoſpital of the bleſſed Lady without *Biſhopsgate London*, in the 3. dayes in the Week of *Eaſter*, next after my death ſhall preach, recommend my Soul to the Prayers of the faithful People there aſſembled, and that every one of the ſaid Three Preachers, for the ſame recommendation of my Soul, and that they pray for my Soul, have 40. pence. And I will, that my Executors during one whole year next after my deceaſe, every Lords-day, cauſe the Preacher at the Croſs in the Church-yard of the Cathedral Church of St. *Paul* aforeſaid Preaching, ſpecially recommend my Soul to the prayers of the people there aſſembled, for which Recommendation, every of the ſaid Preachers have 4. pence. *Item*, I give to Mr. *Robert Forſet*, my Chaplain, of *London* 10. pound, That the ſaid *Robert* ſpecially celebrate for my Soul, and pray for it for 8. years next following my deceaſe, taking yearly for his ſallary 100. ſhillings, if he ſo long live. And if he ſhall dye within the ſaid Term of 8. years, that then the ſaid *Robert* make the reſidue which thereof ſhall remain, to be diſtributed unto pious uſes for my Soul, and the Soul of the ſaid *Robert*. *Item*, I give to *Margaret* my Siſter, 100. ſhillings, and a ſilver Cup, with a cover belonging to it. *Item*, I give to *Iſabel* my Siſter, 100. ſhillings, and a ſilver Cup, with a cover belonging to it, that the ſaid *Margaret* and *Iſabel* pray for my Soul: And to this Teſtament, containing my laſt Will, well and truly, and faithfully to be performed, and inviolably to be fulfilled, I ordain and appoint my Executors, *John Barton* my Brother, and *Alexander Sprot*, Citizen and *Cloath-worker* of *London*, and the ſaid *Robert Forſet* my Chaplain; Overſeers of this my preſent Teſtament, I ordain and appoint *John Wakering*, Maſter of the Hoſpital of St. *Bartholomew* aforeſaid: To which my Executors, and Overſeer, above named, I give the reſt of all and ſingular my Goods and Chattels which ſhall remain by me not diſtributed, diſpoſed, nor bequeathed, in this laſt Will, faithfully, and ſpeedily to be diſtributed for my Soul, Willing, That the ſaid Executors, and Overſeer, according to their diſcretions and Conſciences, take of my goods what is reaſonable for their pains: And that my preſent Teſtament and laſt Will

before written, be as ſpeedily, as conveniently it may be, by my Executors performed and executed, as in the fearful day of the laſt Judgement for me and them before the moſt High Judge, who is ignorant of nothing, they will anſwer; In witneſſe whereof, to this my preſent Teſtament indented, containing my laſt Will, I have ſet my Seal: Dated the day & year aforeſaid. And the Jurors aforeſaid, further ſay, upon their Oath aforeſaid, That the aforeſaid *William Brampton*, of the ſaid Meſſuage, and 6. Acres of Paſture, parcel, *&c.* amongſt other, *&c.* as is before ſaid, ſo being ſeiſed, The ſaid *John Barton* the Elder, afterwards at *Buck.* aforeſaid dyed, After the death of the ſaid *John Barton* the Elder, the aforeſaid *William Brampton* was ſeiſed of the Meſſuage aforeſaid, and 6. Acres of Lands aforeſaid, parcel, *&c.* in his Demeſn as of Fee, To the ſeveral uſes and intents in the aforeſaid laſt Will of the aforeſaid *John Barton* the Teſtator above expreſſed: And that the ſaid *John Barton* the younger, after the death of the ſaid *John Barton* the Teſtator, into the aforeſaid Meſſuage, and 6. Acres of Paſture with the Appurtenances, parcel, *&c.* entred, and the Rents and profits thereof yearly, after the death of the ſaid *John Barton* the Teſtator, ariſing, for and during the life of him the ſaid *John* the younger, took and had, and the ſame to the uſes, intents, and appointments, in the ſaid Teſtament and laſt Will thereof limitted and appointed, during the life of the ſaid *John* the younger, did convert, apply, and pay: And afterwards, and before the time in which, *&c.* The ſaid *John Barton* the younger, at *Buck.* aforeſaid dyed: After whoſe death of the ſaid *John Barton* the younger, the aforeſaid *William Brampton* was ſeiſed of the aforeſaid Meſſuage, and 6. Acres of Paſture aforeſaid, parcel, *&c.* with the appurtenances, in his Demeſn as of Fee, unto the uſes and intents in the aforeſaid laſt Will of the ſaid *John Barton* the Teſtator before expreſſed to be performed; And that the ſaid *Margaret* and *Iſabel*, after the death of the ſaid *John Barton* the younger, into the aforeſaid Meſſuage and 6. Acres of Paſture, parcel, *&c.* with the appurtenances, entred, and the Rents and Profits thereof yearly, after the death of the ſaid *John Barton* the younger, ariſing for and during the lives of the ſaid *Margaret* and *Iſabel*, and the longer liver of them, took and had, and the ſame to the uſes, intents, and appointments, in the ſaid Teſtament and laſt Will of the aforeſaid *John Barton* the Teſtator, declared, limitted, and appointed, during the lives of the ſaid *Margaret* and *Iſabel*, applyed, converted, and payed, and the longeſt liver of them did apply, convert, and pay; And afterwards and before the time in which, *&c.* The aforeſaid *Margaret* and *Iſabel*, at *Buckingam* aforeſaid dyed. After the deaths of which *Margaret* and *Iſabel*, The ſaid *William Brampton* was ſeiſed in his Demeſn as of Fee, of and in the aforeſaid Meſſuage, and 6. Acres of Paſture aforeſaid, parcel, *&c.* with the Appurtenances, to the uſes and intents in the aforeſaid laſt Will, of the aforeſaid *John Brampton* the Elder the Teſtator, expreſſed to be fulfilled: And that the ſaid *William Fowler* in the Teſtament aforeſaid named; had iſſue of his body lawfully begotten, one *Richard Fowler*, and the ſaid *William Fowler* after the deaths of the ſaid *Margaret* and *Iſabel*, into the aforeſaid Meſſuage, and 6. Acres of Paſture, parcel, *&c.* with the appurtenances, entred, and the Rents and Profits thereof yearly, after the deaths of the ſaid *Margaret* and *Iſabel*, ariſing, for and during the life of the ſaid *William*

Fowler,

Fowler took and had, and the ſame to the uſes, intents, and appointments in the ſaid Teſtament and laſt Will of the aforeſaid *John Barton* the Elder the Teſtator expreſſed, during the life of the ſaid *William Fowler*, applyed, converted, and payed; And afterwards, the 6th. day of *July*, in the yeer of the Reign of King *Henry* the 6th. the 30th. The ſaid *William Fowler*, at *Buckingham* aforeſaid dyed, after whoſe death of the ſaid *William Fowler*, the aforeſaid *William Brampton* was ſeized of and in the ſaid Meſſuage and 6. Acres of Paſture aforeſaid, parcel, *&c.* with the appurtenances, in his Demeſn as of Fee, to the uſes & intents in the aforeſaid laſt Will of the aforeſaid *John Barton* the Elder before expreſſed, to be fulfilled: And that the ſaid *Richard Fowler* had iſſue of his body lawfully begotten, one *Edward Fowler*, and the ſaid *Richard Fowler*, after the death of the ſaid *William Fowler*, into the aforeſaid Meſſuage, and 6. Acres of Paſture, parcel, *&c.* with the appurtenances entred, and the Rents and profits therof yeerly after the death of the ſaid *William Fowler*, ariſing, for and during the life of the ſaid *Richard Fowler* took and had, and the ſame to the uſes, intents, and appointments, in the ſaid Teſtament and laſt Will of the ſaid *John Barton* the Elder the Teſtator, during the life of the ſaid *Richard Fowler*, applyed, converted, and payed, that is to ſay, until the 3d. day of *November*, in the yeer of King *Edward* the 4th. after the Conqueſt of *England* the 7th. which ſaid 3d. day of *November*, the aforeſaid *Richard Fowler*, at *Buckingham* aforeſaid dyed: After the death of which *Richard* aforeſaid, the aforeſaid *Wil. Brampton* was of the Meſſuage, and 6. Acres of Paſture aforeſaid, parcel, *&c.* with the appurtenances ſeized in his Demeſn as of Fee, to the uſes and intents in the Teſtament aforeſaid of the ſaid *John Barton* the Teſtator, limitted and declared, to be fulfilled; And that the ſaid *Edward Fowler*, had iſſue of his body lawfully begotten, one *Gabriel Fowler*, and the ſaid *Edward* after the death of the ſaid *Richard Fowler*, into the aforeſaid Meſſuage and 6. Acres of Lands, parcel, *&c.* with the appurtenances entred, and the Rents and Profits thereof yeerly, after the death of the ſaid *Richard Fowler*, ariſing, for and during the life of the ſaid *Edward* took and had, and the ſame to the uſes, intents, and appointments, in the ſaid Teſtament and laſt Will declared and limitted, Until the 4th. day of *February*, in the yeer of the Reign of King *Henry* the 8th. the 27th. applyed, converted, and payed, which ſaid 4th. day of *February*, by virtue of a certain Act of Parliament at *Weſtminſter* in the County of *Middleſex*, for transferring of uſes into poſſeſſion, then held, made, the aforeſaid *Edward Fowler*, was ſeized of and in the aforeſaid Meſſuage, and 6. Acres of Paſture, parcel, *&c.* with the appurtenances, in his Demeſn as of Fee Tail; And ſo thereof being ſeized, the iſſues and profits thereof all his life took and had, and the ſame to the uſes and intents in the Teſtament of the ſaid *John Barton* the Elder above expreſſed, applyed, and converted; And that the aforeſaid *Edward*, ſo thereof being ſeiſed, afterwards, that is to ſay, the 28th. day of *May*, in the yeer of the Reign of the late King *Henry* the 8th. the 32. at *Buckingham* aforeſaid, of ſuch his eſtate dyed thereof ſeized, After the death of which *Edward Fowler*, The ſaid Meſſuage and 6. Acres of Paſture, parcel, *&c.* deſcended to the ſaid *Gabriel Fowler*, as Son and Heir of the body of the ſaid *Edward Fowler* lawfully begotten, By virtue of which the aforeſaid *Gabriel*, into the aforeſaid Meſſuage, and 6. Acres of

paſture, parcell, &c. with the appurtenances, entred, and was thereof ſeiſed in his demeſn as of Fee tail, that is to ſay, to him, and the Heirs of his body lawfully begotten, the reverſion in Fee ſimple thereof to the right Heirs of the ſaid *John Barton* the Teſtator expectant, unto the uſes in the ſaid laſt Will, of the ſaid *John Barton* the Teſtator expreſſed to be performed; and the aforeſaid *Gabriel Fowler*, the iſſues and profits thereof to the uſes and intents in the ſaid Teſtament of the aforeſaid *John Barton* the Teſtator to be performed, limitted, received, diſpoſed, and converted, from the time of the death of the ſaid *Edward Fowler*, within 5. years next before the firſt year of the Reign of King *Edward* the 6th. that is to ſay, untill the 4th. day of *May*, in the year of the Reign of the late King *Henry* the 8th. the 37th. By colour of which aforeſaid premiſes, and by force of a certain Act of Parliament, of the ſaid King *Edward*, late King of *England* the 6th. at *Weſtminſter*, in the County of *Middleſex*, the 4th day of *November*, in the year of his Reign the firſt, begun, and from thence continued untill the 24th. day of the ſame *November* then next following, & then and there holden, concerning Colleges, Free Chapels, Chauntries, Fraternities, Guilds, and other ſpiritual promotions, made and provided, The aforeſaid late King *Edward* the 6th. immediatly after the Feaſt of *Eaſter* next following, after the making of the ſaid Act of Parliament, was ſeiſed of, and in the aforeſaid Meſſuage, and the aforeſaid 6. Acres of paſture, parcel, &c. with the appurtenances (amongſt other things) in the ſaid Teſtament as is aforeſaid given and appointed, in his demeſn, as of Fee, in the Right of his Crown of *England*, if the Law ſo in this caſe requireth: and that afterwards, the ſaid late King dyed of the ſaid Meſſuage, and 6. Acres of paſture ſo ſeiſed, if the Law of *England* ſo requireth, without Heir of his body begotten: after whoſe death the Meſſuage aforeſaid, and the aforeſaid 6. Acres of paſture, parcel, &c. with the appurtenances (amongſt other) deſcended to the Lady *Mary* late Queen of *England*, as Siſter and Heir of the ſaid late King *Edward* the 6th. If the Law of *England* in this caſe requireth: By which the ſaid late Queen *Mary* was ſeiſed of the Meſſuage aforeſaid, and of the aforeſaid 6. Acres of paſture, parcel, &c. (amongſt other) in her demeſn as of Fee, in the right of her Crown of *England*, if the Law this requireth; and the ſaid late Queen *Mary* afterwards, and before the aforeſaid time, in which, &c. dyed ſo hereof ſeiſed, if the Law of *England* in this caſe requireth, without heir of her body iſſuing, after whoſe death, the Meſſuage aforeſaid, and the aforeſaid 6. Acres of paſture, parcel, &c. with the appurtenances (amongſt other) deſcended to the ſaid Lady the Queen that now is, as Siſter and Heir of the aforeſaid late Queen *Mary*, if the Law of *England* in this caſe requireth, By which the ſaid Lady the Queen that now is, was of the aforeſaid Meſſuage, and 6. Acres of paſture, parcel, &c. with the appurtenances (amongſt other) ſeiſed in her demeſn as of Fee, in the right of her Crown of *England*, if the Law of *England* ſo thereof requireth: And the Jurors aforeſaid further ſay upon their Oaths aforeſaid, That after the aforeſaid Act of Parliament aforeſaid, in the year of the Reign of the late King *Edward* the 6th. the firſt, made, The aforeſaid *Gabriel Fowler*, occupied the aforeſaid Meſſuage, and 6. Acres of paſture, with the appurtenances, parcel, &c. continued, and was thereof ſeiſed in his demeſn as of Fee tail, if the Law of *England* in this caſe requireth it, having

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iſſue of his body lawfully begotten, one *Richard Fowler*, and ſo thereof ſeiſed, continued the occupation aforeſaid, if the Law of *England* requireth it, and afterwards, and before the time in which, &c. that is to ſay, the firſt day of *May*, in the year of the Reign of the ſaid Lady the Queen that now is, the 18th. at *Buck.* aforeſaid, of ſuch his eſtate dyed thereof ſeiſed, if the Law of *England* requireth, By colour of which, the Meſſuage aforeſaid, and 6. Acres of paſture aforeſaid, with the appurtenances, parcel, &c. deſcended, if the Law requireth, to the aforeſaid *Richard Fowler*, as Son and Heir of the ſaid *Gabriel*, By colour of which the ſaid *Richard Fowler* afterwards, and before the time in which, &c. into the Meſſuage, and 6. Acres of Lands aforeſaid, with the appurtenances, parcel, &c. entred, and was thereof ſeiſed in his demeſn as of Feetail, that is to ſay, to him, and the Heirs of his body lawfully begotten, if the Law of *England* this requireth; and the ſaid *Richard Fowler* of the Meſſuage, and 6. Acres of paſture aforeſaid, with the appurtenances, parcel, &c. ſo being ſeiſed, if the Law of *England* this requireth, The ſaid *Richard* after, and before the time in which, &c. that is to ſay, the 10th. day of *March*, in the year of the Reign of the ſaid Lady the Queen that now is, the 33th. at *Buckingham* aforeſaid, By his writing bearing date the ſame day and year, with the Seal of the ſaid *Richard* ſealed, and to the Jurors aforeſaid, in Evidence ſhewed, for a certain ſum of money, in the ſaid writing ſpecified, if the Law of *England* this requireth, enfeoffed *Francis Dayrell*, and *Edward Dayrell* Gen. of the Meſſuage, and 6. Acres aforeſaid, with the appurtenances, parcel, &c. amongſt other, To have to the ſaid *Francis*, and *Edward*, their Heirs, and Aſſigns for ever, By virtue of which the ſaid *Francis*, and *Edward*, in the Meſſuage, and 6. Acres of paſture aforeſaid, parcel, &c. entred, and were thereof ſeiſed in their demeſn as of Fee, if the Law of *Engl.* this requireth; & ſo being thereof ſeiſed, if the Law of *Engl.* this requireth, The ſaid *Francis*, and *Ed.* afterwards, & before the aforeſaid time in which, &c. that is to ſay, the 18th day of *June*, in the year of the Reign of the ſaid Lady the Queen that now is, the 33th. aforeſaid, at *Buck.* aforeſaid, if by the Law of *England* this they could do, enfeoffed the aforeſaid *John Lambert*, of the aforeſaid Meſſuage, and 6. Acres of paſture, parcel, &c. with the appurtenances, To have and to hold unto the ſaid *John Lambert*, his Heirs, and Aſſigns for ever: By colour of which the ſaid *John Lambert*, after and before the aforeſaid time in which, &c. that is to ſay, the ſaid 18th. day of *June*, in the year 33th. aforeſaid, into the Meſſuage, and 6. Acres of paſture aforeſaid, parcel, &c. with the appurtenances entred, and was, and yet is thereof ſeiſed in his demeſn as of Fee, if the Law thereof requireth: And the Jurors aforeſaid, further ſay upon their Oath aforeſaid, That the aforeſaid Lady the Queen that now is, (as before is ſaid) ſeiſed in her demeſn as of Fee in the right of her Crown of *England*, of and in the aforeſaid Meſſuage, and 6. Acres of paſture, parcel, &c. if the Law of *England* this requireth, after, and before the time in which, &c. that is to ſay, the 27th. day of *May*, in the year of her Reign the 34th. The ſaid Lady the Queen that now is, By her Letters Patents under the Great Seal of *England* ſealed to the Jurors aforeſaid in Evidence ſhewed, whoſe date is at *Weſtminſter*, the ſame day and year, in Conſideration of the good, true, faithful, and acceptable Service to the ſaid Lady the Queen that now is, before that time, by her wel-beloved

ved Cosin, *Thomas* Earl of *Ormond*, and *Osory*, done, as for divers other causes, and considerations, the aforesaid Lady the Queen that now is, then specially moving, as also at the humble Petition, &c. of the said Earl, of her special grace, certain knowledge, and meer motion, Gave and granted for her, her Heirs, and Successors, to her beloved Subjects, *Edmond Downing*, and *Roger Rant* Gent. the Messuage aforesaid, and the aforesaid 6. Acres of pasture, with the appurtenances, in which, &c. (amongst other) By the name of all that her late *Chauntry*, called *Bartons Chauntry*, situate, and being in the Parish of St *Peter*, in the Town of *Buckingham*, and all Lands, Tenements, Rents, and Hereditaments whatsoever, with their appurtenances whatsoever, situate, lying, and being, in the said Town of *Buck*: in the aforesaid County of *Buck*. to the said late *Chauntry*, called *Bartons Chauntry*, belonging, or apperteining, or to the maintenance of a Chaplain, or Priest, and other uses superstitious in the Church of Saint *Peter* aforesaid, according to the Ordination of *John Barton* the Elder, before then given, bequeathed, lye limited, or appointed, To have, hold, and enjoy, to the said *Edmond Downing*, and *Roger Rant*, their Heirs, and Assigns, to the only, and proper behoof and use of the said *Edmond*, and *Roger*, their Heirs, and Assigns, for ever, Yielding, and paying to the said Lady the Queen that now is, her Heirs, and Successors, yearly for ever, 13. pound, and 12. pence, of lawful Money of *England*, to the hands of the Receiver general of the County aforesaid, for the time being, or at the Receipt of the *Exchequer* of the said Lady the Queen, her Heirs, and Successors, at the Feasts of Saint *Michael* the *Archangel*, and the *Annuntiation* of the blessed *Mary* the Virgn, by equal portions every year to be paid, for all Rents, exactions, services, & demands whatsoever for the same, to the said Lady the Queen, and her Successors, any wayes to be rendred, payed, or done: And the said Lady the Queen that now is, by her said Letters Patents, for her, her Heirs, and Successors, granted unto the said *Edmond Downing*, and *Roger Rant*, that the said her Letters Patents, or the Enrolment of them, should be of force, form, sufficient and effectuall in the Law, against the said Lady the Queen that now is, her Heirs, and Successors, as well in all Courts, as elsewhere within her Realm of *England*, without any confirmations licences, or tollerations by the aforesaid Lady the Queen that now is, her Heirs, or Successors, in after by the said *Edmond*, and *Roger*, their Heirs, or Assigns, or by any of them, to be procured, or obteined, Notwithstanding the ill naming, or ill reciting, or non-reciting the aforesaid several Mannors, Rectories, Messuages, Lands, Tenements, and other, all and singular premises, or any parcel thereof; And notwithstanding the not finding of Office, and Inquisition of the premises, or of any parcel thereof, by which the title of the said Lady the Queen that now is, ought to be found before the making of her Letters Patents aforesaid; and notwithstanding the not reciting, or ill reciting of any demise, or grant of the premises, or of any parcel thereof before then made, being of Record, or not of Record; And notwithstanding any defects of the certain composition, or Declaration, of the yearly value of the premises, or not Declaration of the yearly value of the premises, or any part thereof in the said Letters Patents expressed and conteined; and notwithstanding other defects in not naming, or ill naming any Tenant, Farmor, or occupier of the Lands, Tenements, or

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Hereditaments aforeſaid, or any part thereof, or not rightly naming any Town, Hamlet, Pariſh, or County in which the premiſes or any parcel thereof be, and alſo in not naming the premiſes or any parcel thereof in nature, kinde or quality, by colour of which ſaid Letters Patents, the aforeſaid *Edmond Downing* and *Roger Rant*, were of the aforeſaid Meſſuages and 6 Acres of Land parcel, *&c.* with their appurtenances (amongſt other) ſeiſed in their demeſn as of Fee, if the Law this requireth, and ſo thereof being ſeiſed, if the Law of *England* this requireth, and the aforeſaid *John Lambert* continuing his poſſeſſions thereof, and as before is ſaid being ſeiſed, if the Law of *England* this requireth, the ſaid *Edmond Downing* and *Roger Rant*, by their certain Indenture made the 28 day of *July* in the year of the ſaid Lady the Queen that now is the 34 aforeſaid, Between the aforeſaid *Edmond Downing* and *Roger Rant* of the one part, and one *Robert Snelling* of *Eaſt-Horſly* in the County of *Surrey* Gentleman, and *Thomas Butler* of *Grays Inn* in the County of *Middleſex* Gentleman, of the other part, for a certain ſumm of good and lawfull mony of *England* to them before hand by the aforeſaid *Robert Snelling* and *Thomas Butler* well and truely paid, gave, granted, ſold, bargayned and confirmed, to the aforeſaid *Robert Snelling* and *Thomas Butler* their heirs and aſſigns for ever, the Meſſuage aforeſaid, and the aforeſaid 6 Acres of Paſture, parcel, *&c.* with the appurtenances (amongſt other) to have and to hold to the aforeſaid *Robert Snelling* and *Thomas Butler*, their heirs and aſſigns for ever, as by the Indenture aforeſaid, inrolled in the cloſe roll of the *Chancery* of the ſaid Lady the Queen that now is, the 10. day of *December*, in the year of the Reign of the ſaid Lady the Queen that now is the 35, to the Jurors aforeſaid in evidence ſhewed, amongſt other things it more fully appeareth: By colour of which ſaid Indenture and the inrolment thereof the aforeſaid *Robert Snelling* and *Thomas Butler*, were of the aforeſaid Meſſuage and of the aforeſaid 6 Acres of Paſture, parcel, *&c.* with the appurtenances, in which, *&c.* amongſt other, ſeiſed in their demeſn as of Fee, if the Law of *England* in this caſe requireth it; and the aforeſaid *Robert Snelling* and *Thomas Butler*, ſo thereof being ſeiſed, if the Law of *England* this requireth, after and before the time in which, *&c.* that is to ſay, the 23 day of *May* in the year of the Reign of the ſaid Lady the Queen that now is the 36. aforeſaid, into the aforeſaid Meſſuage, and the aforeſaid 6 Acres of Paſture, parcel, *&c.* with the appurtenances, entred and was thereof ſeiſed in their demeſn as of Fee, if the Law of *England* requireth, and ſo thereof ſeiſed, the aforeſaid *John Lambert* continuing his poſſeſſion aforeſaid, if the Law of *England* this requireth, the ſaid *Robert Snelling* and *Thomas Butler* the aforeſaid 23 day of *May* at the ſaid Town of *Buckingham* demiſed and to Farm let the Meſſuage aforeſaid and the aforeſaid 6 Acres of of Paſture, parcel, *&c.* with the appurtenances (amongſt other) to the aforeſaid *Theophilus Adams*, to have to the ſaid *Theophilus Adams* his executors and aſſigns, from the aforeſaid 23 day of *May* in the year of the Reign of the ſaid Lady the Queen that now is the 36 aforeſaid, until the end and Term aforeſaid of 10 years fully to be compleat and ended: By virtue of which the ſaid *Theophilus Adams* into the Meſſuage aforeſaid, and into the aforeſaid 6 Acres of paſture, parcel, *&c.* with their appurtenances (amongſt other things) afterwards, that is to ſay,

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the 16 day of *April* in the year of the Reign of the ſaid Lady the Queen that now is the 39 entred and was thereof poſſeſſed, if the Law in this caſe requireth, upon whoſe poſſeſſion of the ſaid *Theophilus* thereof, the aforeſaid *John Lambert* afterwards, that is to ſay the ſame 16 day of *April* in the 39 year aforeſaid into the Meſſuage aforeſaid, and the aforeſaid 6 Acres of Paſture, parcel, *&c.* with the appurtenances, entred, and the ſame *Theophilus Adams* from his Farm aforeſaid thereof, his Term aforeſaid thereof not yet ended, ejected, expelled and amoved, and him the ſaid *Theophilus* from his poſſeſſion thereof held out, and yet holdeth out as the ſaid *Theophilus* before againſt him declared. But whether upon the whole matter aforeſaid found in form aforeſaid, It ſhall ſeem to the Court here, that the aforeſaid *John Lambert* is guilty of the treſpaſs and ejectment of the ſaid *Theophilus Adams*, of and in the Meſſuage aforeſaid, and the aforeſaid 6 Acres of Paſture, *&c.* with the appurtenances, or not, the Jurors aforeſaid are utterly ignorant of, and thereof they pray the advice of the Court here, *&c.* and if upon the ſaid whole matter in form aforeſaid found, it ſhall ſeem to the Court here, that the aforeſaid *John Lambert* is guilty of the Ejectment and Treſpaſs to the ſaid *Theophilus* of the Meſſuage aforeſaid, and the aforeſaid 6 Acres of Paſture, parcel *&c.* wth. the appurtenances, then the ſaid Jurors ſay, upon their Oath aforeſaid, that the aforeſaid *John Lambert* is guilty of the Treſpaſs and Ejectment thereof as the aforeſaid *Theophilus* above againſt him thereof complaineth, and then they aſſeſs the damages of the ſame *Thophilus* by the occaſion of the Treſpaſs and Ejectment beſides his charges and Coſts by him about his ſute in his behalf put unto, to 12 pence, and for his charges and coſts to 12 pence; and if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the Court here, That the aforeſaid *John Lambert* is not guilty of the Ejectment and Treſpaſs aforeſaid, of and in the Meſſuage aforeſaid, and the aforeſaid 6 Acres of Paſture, parcel, *&c.* with the appurtenances, then the aforeſaid Jurors ſay upon their Oath aforeſaid, That the aforeſaid *John Lambert* is not thereof guilty as the ſaid *John* for himſelf above in pleading hath alleged, and farther the ſaid Jurors ſay upon their Oath aforeſaid, that the aforeſaid *John Lambert* in nothing is guilty of the Treſpaſs and Ejectment aforeſaid, in 4 Acres of Paſture of the ſaid 10 Acres of Paſture reſidue above ſuppoſed to be done, as the ſaid *John Lambert* above in pleading hath alleged, *&c.* and becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes, are not yet aviſed, Day is given to the parties aforeſaid before the ſaid Lady the Queen at *Weſtminſter*, until *Friday* next after the morrow of the *Holy Trinity*, to hear their Judgement of and upon the premiſes, becauſe that the Court of the ſaid Lady the Queen here are not yet, *&c.* And ſo from Term to Term, untill *Tueſday* next after the morrow of *All Souls*, to hear their Judgement of and upon the premiſes, becauſe the Court of the ſaid Lady the Queen are not yet, *&c.* At which day, before the ſaid Lady the Queen at *Weſtminſter* come the parties aforeſaid, in their proper perſons, upon which ſeen, and by the Court of the ſaid Lady the Queen here all and ſingular the premiſes fully underſtood, and mature deliberation thereupon had, for that it ſeemeth to the Court of the ſaid Lady the Queen here, that the aforeſaid *John Lambert* is guilty of the Treſpaſs and Ejectment of the ſaid

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Theophilus Adams of and in the Meſſuage aforeſaid, and the aforeſaid 6 Acres of Paſture, parcel, *&c.* with the appurtenances, therefore it is conſidered, that the aforeſaid *Theophilus Adams* ſhall recover againſt the aforeſaid *John Lambert* his Term aforeſaid yet to come of and in the aforeſaid Meſſuage and the aforeſaid 6 Acres of Paſture, the aforeſaid 10 Acres of Paſture parcel with the appurtenances, and his damages aforeſaid by the Jurors aforeſaid, in form aforeſaid aſſeſſed, as alſo 25 pound for his charges and coſts aforeſaid, to the ſaid *Theophilus Adams* by the Court of the ſaid Lady the Queen here with his aſſent of increaſe adjudged: which ſaid damages in the whole do amount to 25 pound 2 ſhillings, and the ſaid *John Lambert* be taken, *&c.* and likewiſe the aforeſaid *Theophilus Adams* in mercy for his falſe clamor againſt the aforeſaid *John Lambert* for the reſt of the Treſpaſs and Ejectment aforeſaid whereof the ſaid *John Lambert* is acquitted; therefore the ſaid *John Lambert* as to the reſt of the ſaid Treſpaſs and Ejectment, go thereof without day, *&c.*

Ejectione Firme.

Mich. 10. of *King James*: It begun *Eaſter Term*: 1 of *King James* Rott. 1639 in the Common pleas: *Arthur Legats* Caſe, *C.* 10. part, fol. 109. *a.* *Norff.*

EDward *Cockel* late of *Wimondham* in the County aforeſaid Husbandman, was attached to anſwer to *Arthur Legat* Gent. of a plea, wherefore with force and Arms, 6 Acres of Paſture and 6 Acres of Wood with the appurtenances in *Wimondham*, which *John Smith* Gentleman to the aforeſaid *Arthur* demiſed, for a Term which is not yet paſt, he entred, and him from his Farm aforeſaid did Eject, and other harms did to him, to the great damage of the ſaid *Arthur*, and againſt the peace of the Lord the *King* that now is, *&c.* and whereupon, the ſaid *Arthur* by *Robert Love* his Attorny complaineth, that whereas, the aforeſaid *John*, the 19th. day of *October*, in the year of the Reign of the Lord the King that now is the 8th. at *Wimondham*, had demiſed to the ſaid *Arthur* the Tenements aforeſaid with the appurtenances, to have and to hold to the ſaid *Arthur* his Executors and Adminiſtrators from the Feaſt of Saint *Michael the Archangel* then laſt paſt, for and during the Term of 3 years from thence next following to be compleat and ended, by virtu of which demiſe, the ſaid *Arthur* into the Tenements aforeſaid with the appurtenances entred, and was thereof poſſeſſed, until the aforeſaid *Edward*, afterwards, that is to ſay, the 10th. day of *April* in the year of the Reign of the ſaid Lord the King that now is of *England* the 9th. with force and armes, *&c.* the Tenements aforeſaid with the appurtenances which the aforeſaid *John* to the ſaid *Arthur* in form aforeſaid demiſed for the aforeſaid Term which is not yet paſt, entred, and him from his Farm aforeſaid did Eject, and other harms, *&c.* and againſt the peace, *&c.* whereupon he ſaith, that he is the worſe, and hath damage, to the value of 20 pound,

And therof he bringeth ſute, &c. And the ſaid *Edward*, by *Thomas Blofield* his Attorny, cometh and defendeth the force and injury when, &c. And ſaith, he is not guilty of the Treſpaſſe and Ejectment aforeſaid, as the ſaid *Arthur* againſt him complaineth, and of this puts himſelf upon the Country; And the aforeſaid *Arthur* likewiſe. Therefore it is commanded to the Sherif, that he cauſe to come here, from the day of *Holy Trinity*, in three Weeks, 12. by whom, &c. And who neither, &c. Becauſe aſwell, &c. At which day, the Jurors between the parties aforeſaid, of the Plea aforeſaid put was between them in reſpite here until this day, that is to ſay, in 8. dayes of St. *Michael* then next following, unleſs, The Juſtices of the Lord the King to Aſſizes, in the County aforeſaid to be taken aſſigned by the form of the Statute, &c. *Monday* the 15th. day of *July* next, At the Caſtle of *Norwich*, in the County aforeſaid firſt ſhould come; And now at this day cometh, as well the aforeſaid *Arthur*, as the aforeſaid *Edward*, by their Attornies aforeſaid, And the aforeſaid Juſtices to Aſſizes, before whom, &c. ſend here their Record in theſe words; Afterwards the day and place within contained, before *Edward Coke Kt.* Chief Juſtice of the Lord the King of the Bench, and *John Crooke Kt.* one of the Juſtices of the ſaid Lord the King to Pleas, before the King himſelf to be holden aſſigned Juſtices of the ſaid Lord the King to Aſſizes, in the County aforeſaid to be holden aſſigned by form of the Statute, &c. came aſwell the within named *Arthur*, as the within written *Edward Cockle*, by their Attornies within written; And the Jurors of the Jury, whereof within is made mention, being called, likewiſe came, whereof 12. that is to ſay, *Robert Seaman*, *Adam Bale*, *Bartholmew Hariſon*, *Thomas Reynolds*, *William Bidwel*, *Henry Howlet*, *Thomas Crooke*, *Richard Ruſſel*, *Thomas Filney*, *John Freeman*, *John Jewel*, and *Edmond Johnſon*, in the Jury aforeſaid are ſworn; After which, one of the Jurors aforeſaid, that is to ſay, *Robert Seaman*, with the aſſent of both parties aforeſaid, and by the Command of the Juſtices aforeſaid, from the Pannel aforeſaid, was utterly drawn, &c. Therefore with the aſſent of the parties aforeſaid, the Jury aforeſaid was further put in reſpite here, until in 8. dayes of St. *Hillary*. Therefore that the Sherif have the Bodies, &c. And appoint, *Decem Tales*, At which day here cometh, aſwell the aforeſaid *Arthur*, as the aforeſaid *Edward*, by their Attornies aforeſaid; And the Sherif now ſendeth, That as to the diſtreyning of *Bartholmew Stone*, that the Writ was ſo late delivered to him, that for the ſhortneſſe of the time he could not execute it, but as to the putting of the *Decem Tales*, whereof in the ſaid Writ was made mention, the ſaid Sherif now ſendeth, That execution thereof doth appear in a Schedule to the ſaid Writ annexed, in which Schedule is contained, the Pannel of the names of Ten Jurors, whereof none, &c. Therefore the Jury aforeſaid, again is put in reſpite here, until from *Eaſter-day*, in 15. dayes, unleſs the Juſtices of the King, To the Aſſizes in the County aforeſaid to be taken aſſigned, by the form of the Statute, &c. *Wedneſday* in the firſt Week of *Lent*, at *Thetford*, in the County aforeſaid firſt ſhall come; for default of Jurors, &c. Therefore that the Sherif diſtrein the Jurors aforeſaid, by all their Lands, &c. And that the iſſues, &c. So that they be here, unleſs, &c. to make the Jury aforeſaid, &c. *Norff. ſſ.* Afterwards the day and place within contained, before *Edward Coke Kt.* Chief Juſtice of the Lord the King of the Bench, and *John Crooke Kt.* one

of the Juſtices of the ſaid Lord the King, to Aſſizes in the County aforeſaid to be taken aſſigned by the form of the ſtatute, &c. cometh aſwell the within named *Arthur Legat*, as the within written *Edward Cockle*, by their Attornies within contained, And the Jurors of the Jury aforeſaid, whereof within is made mention, being called likewiſe come, who to ſay the truth of the within contained, choſen, tryed, and ſworn, ſay upon their Oath, That the late King and Queen, *Philip* and *Mary*, the 9th. day of *July*, in the yeer of the Reigns of the ſame King and Queen, *Philip* and *Mary*, the 4th. and 6th. were ſeiſed of and in the Mannor of *VVimondam*, in the County aforeſaid, in their Demeſn as of Fee, in the Right of h s Crown of *England*, whereof the Lands and Tenements in the Declaration within written, then were parcel, and the aforeſaid late King and Queen, *Philip* and *Mary*, ſo as before is ſaid, of and in the Mannor aforeſaid, whereof, &c. being ſeiſed, The ſaid King and Queen, the ſaid 9th. day of *July*, in the yeer of the Reigns of the ſaid late King and Queen, *Philip* and *Mary*, the 4th. and 6th. made their Letters Patents under the great Seal of *Eng.* to one *George Howard Kt.* of the aforeſaid Lands and Tenements, in the Declaration within written named amongſt other, By the names of 2 pieces of Lands, called *Nettlehamſted*, & *VVikemans*, containing by eſtimation 15. Acres, lying and *VVyndmondham* aforeſaid, in the County aforeſaid, then or late in the tenure or occupation of *Joh. Coleman*, & late to the Monaſtery of *VVyndmondham*, ſometimes belonging and appertaining, & parcel of the poſſeſſions thereof then being; The Tenor of which Letters Patents followeth in theſe words: The King and Queen, to all to whom, &c. greeting, Know ye, That we, in Conſideration of the good, true, and faithful ſervice of our Beloved and Faithful Servant, *George Howard Kt.* before this time to us done, and for diverſe other cauſes and Conſiderations us ſpecially moving, Of ſpecial grace, and of our certain Knowledge and meer motion, have given, and granted, and by theſe preſents do give, and grant, for us, the Heirs and Succeſſors of us the aforeſaid Queen, to the aforeſaid *George Howard*, All thoſe two Acres of our Lands, lying and being in *Aſtwynen*, in our County of *Norfolk*, &c. We alſo give, and grant, by theſe preſents, to the aforeſaid *George Howard Kt.* Two pieces of our Lands, called *Nettlehamſted*, and *VVikemans*, containing by eſtimation 15. Acres, lying and being in *VVymondhom* aforeſaid, in the County aforeſaid, now or late in the tenure or occupation of *John Coleman*, and late to the Monaſtery of *VVyndmondham*, ſometimes belonging and appertaining, and being parcel of the poſſeſſions thereof, &c. We alſo give for the Conſideration aforeſaid, by theſe preſents, for us, the Heirs and Succeſſors of us the aforeſaid Queen, grant to the aforeſaid *George Howard Kt.* all and all manner of Woods, and Underwoods, and our Trees whatſoever, of, in, and upon the premiſes, growing and being, and all the Land, Ground, or Soyl of the ſame Woods, Underwoods, and Trees, and the Reverſion and Reverſions whatſoever, of all and ſingular the premiſes above expreſſed and ſpecified, and to every parcel thereof, as alſo the yearly Rents and profits whatſoever, reſerved upon whatſoever Demiſes, and Grants of the premiſes, or any parcel thereof, any wiſe made, as fully, and wholly, and in as ample manner and form, as any Abbots, Priors, of the ſaid late Abby, or Priory, or any of them, or any Guardians, or any Chapleins, Chaunters, or Incombents, or any Chaplein,

lein, Chaunter, or Incumbent, of Chauntry, Guilds, Lamps, Obits, and Lights aforeſaid, or any other, or others, the premiſes, or any parcel thereof, having, poſſeſſing, ever had, held, or enjoyed, or ought to have, hold, uſe, or enjoy, as fully, freely, and wholly, and in as ample manner and form, as all and ſingular the premiſes, to our hands, or to the hands of the moſt dear Father of us the ſaid Queen, *Henry* the 8th. late King of *England*, Or unto the Hands of our moſt dear Brother of us the ſaid Queen, *Edward* the 6th. late King of *England*, by reaſon or colour of the ſeveral Diſſolutions of the ſaid late Monaſtery, Priory, Chauntry, Guild, Lamps, Obits and Lights aforeſaid, or by reaſon of any Act of Parliament, or any Acts of Parliament, or any other lawful means, Right or Title, ought to come, and in our Hands now of right by reaſon of the diſſolutions of the ſaid late Monaſtery, Priory, Chauntry, Guild, Lamps, Obits and Lights, are or ought to be; All which ſingular premiſes with the appurtenances, from us, and from the Father and Brother of us the ſaid Queen, were concealed and detayned, and the Rents and Revenews thereof, nor of any parcel thereof, to us before this time were anſwered, And all which and ſingular premiſes with the appurtenances, now in the whole do amount to the cleer yearly value of 22. pounds, 8. ſhillings, and 6. pence, and not above; that is to ſay, *&c.* the aforeſaid Lands, Tenements, Meadows, Paſtures, and other the premiſes in *Poſſewicke*, *Kerringham*, *Maſſingham*, *Great Berlingham*, *Giſt*, *Girſton*, *Holm*, *Hunſtonſton*, *Alderford*, *Duckleborough*, *Eoyton*, in the Pariſh of St. *George*, in the City of the County of *Norwich*, *Buckenham*, *New Winondham*, *Plamſted*, *Tylenham*, *Southelingham*, *Dinham*, and *Eſtlyham* aforeſaid, in the ſaid County of *Norfolk*, to the cleer yeerly value of 56. ſhillings, and 4. pence; And if it ſhall happen the aforeſaid Lands ands Tenements above expreſſed, or any parcel thereof, at the time of the making of theſe our Letters Patents, to be of greater yeerly value, old Rent, than in thoſe preſent Letters Patents is particularly ſpecified, That then it ſhall be lawfull for us, the ſaid King and Queen, and the Heirs and Succeſſors of us the aforeſaid Queen, from time time, during the Term of 10. yeers, after the date of theſe Letters Patents, into all the aforeſaid Lands, Tenements, and other the premiſes, and every parcel thereof ſo being of greater yeerly value, to enter, and the ſame to ſeize and have in our hands, and our poſſeſſion, to keep, until we the ſaid King and Queen, the Heirs and Succeſſors of us the aforeſaid Queen, of ſo many ſumms of good and lawful mony of *England*, to how much the ſaid greater and yeerly value of the premiſes, or any parcel thereof, according to the rate of purchaſe of 21. yeers do amount unto, we be thereof ſatisfied and paid, To have, and to hold, and enjoy the aforeſaid Meſſuages, Houſes, Buildings, Lands, Tenements, Meadows, Feedings, Paſtures, Woods, Underwoods, Rents, Services, and other Hereditaments whatſoever with the appurtenances, And all and ſingular the premiſes with all their appurtenances, to the aforeſaid *George Howard Kt.* his Heirs and Aſſignes, to the proper uſe and behoof of him the ſaid *George* and his Heirs and Aſſignes for ever, To hold the aforeſaid Meſſuages, Lands, Tenements, and all and ſingular other the premiſes with their appurtenances, of us, and of the Heirs and Succeſſors of us the aforeſaid Queen, as of our Mannor of *Eaſt Greenewich*, by Fealty only in free Socage,

Socage, and not in *Capite*, for all Rents, Services, and demands whatsoever, for the ſame to us, the Heirs and Succeſſors of us the aforeſaid Queen, for the ſame to be any way rendred, paid, or to be done, And further, of our further ſpecial grace, We have given, and granted, and by theſe preſents for us, the Heirs and Succeſſors of us the aforeſaid Queen, We give and grant to the aforeſaid *George Howard Kt.* from henceforth, All and ſingular the Rents, Reverſions, and profits, of all and ſingular the premiſes, from the Feaſt of the *Annuntiation* of the bleſſed *Mary* the Virgin laſt paſt, hitherto coming or ariſing, To have the ſame of our gift, without account, or any other thing to us, the Heirs and Succeſſors of us the aforeſaid Queen, in any manner to be rendred, paid, or done; We Will alſo, and by theſe preſents grant to the aforeſaid *George Howard*, that he have, and ſhall have theſe our Leters Patents, in due manner made and ſealed, Without any Fine or Fee, great or ſmall, to us in our Hamper, or elſewhere to our uſe for the ſame, any wayes to be rendred, paid, or done, becauſe expreſſe mention, *&c.* In Witneſſe, *&c. T. R.* and *R.* at *Weſtm.* the 9th. day of *July*, in the yeers the 4th. & 6th. of *Philip* and *Mary*. And further, the Jurors aforeſaid ſay upon their Oath, That at the aforeſaid time of the making of the ſaid Letters Patents, ſo as before is ſaid, to the aforeſaid *George Howard*, The Mannor aforeſaid from the aforeſaid late King and Queen was not yet concealed nor detained, but the Rents and the Reverſions thereof to the ſaid Lord the King, and Lady the Queen then were anſwered, And that Mannor was in charge and account of Record, and the Rents and the Reverſions thereof to the ſaid late King and Queen, *Philip* and *Mary*, were anſwered: But whether the Lands and Tenements in the Declaration above mentioned, by the ſaid Letters Patents, to the aforeſaid *George Howard Kt.* paſſed or not, the Jurors aforeſaid are ignorant, and thereof pray the Advice and Conſideration of the Court in the premiſes; And if upon the whole matter aforeſaid, by the Jurors aforeſaid, in form aforeſaid found, It ſhall ſeem to the Juſtices of the Court, That the aforeſaid Lands, and Tenements, in the Declaration aforeſaid mentioned, by the aforeſaid Letters Patents of the Lord *Philip* and *Mary*, late King and Queen of *England*, to the aforeſaid *George Howard* did paſſe, Then the Jurors aforeſaid, ſay that the aforeſaid *Edward Cockle* is not guilty of the Treſpaſſe and Ejectment, as he before in pleading hath alleged: And if upon the whole matter, by the Jurors aforeſaid, in form aforeſaid found, It ſhall ſeem to the Juſtices and Court, That the Lands, and Tenements, in the Declaration within written, by the aforeſaid Letters Patents, of the Lord *Philip* and *Mary*, King and Queen of *England*, to the ſaid *George Howard*, paſſed not, *&c.*

False Impriſonment.

London. *Michaelmaſs Term*, in the 6th. yeer of King JAMES, in the *COMMON-PLEAS*, Doctor *Bonhams* Caſe, *Co.* 8. part.

Henry Atkins of *London* Doctor of Phyſick, *George Turner* of *London* Doctor of Phyſick, *Thomas Moundford* of *London* Doctor of Phyſick, *John Argent* of *London* Doctor of Phyſick, *John Taylor* of *London* Yeoman, And *William Bowden* of *London* Yeoman, were Attached to anſwer to *Thomas Bonham* of *London*, Doctor in Philoſophy, and of Phyſick, of a Plea, wherefore they, together with *William Lun* of *London* Doctor of Phyſick, and *Richard Ware* of *London Skinner*, with force and Arms him the ſaid *Thomas Bonham* took, impriſoned, and evil handled, and him in Priſon againſt the Law and Cuſtom of the Kingdom of *England* did long detain, and other harms to him did, to the great damage of the ſaid *Thomas Bonham*, and againſt the Peace of the Lord the King that now is, *&c.* And whereupon the ſame *Thomas Bonham*, by *Richard Coke* his Attorny, complaineth, That the aforeſaid *Henry*, *George*, *Thomas Moundford*, *John Argent*, *John Taylor*, and *William Bowden*, together, *&c.* the 10th. day of *November*, in the yeer of the Reign of the ſaid Lord the King that now is, the 4th. with force and Arms, him the ſaid *John* in the Pariſh of the bleſſed *Mary* of *Bow*, in the Ward of *Cheap*, took and impriſoned, and evilly handled, and him there ſo in Priſon a long time, that is to ſay, by the ſpace of 7. dayes, againſt the Law and Cuſtom of this Kingdom of *England* detained, and other harms, *&c.* to the great damage, *&c.* and againſt the Peace, *&c.* whereupon he ſaith, that he is the worſe, and hath damage to the value of 300. pounds, and thereof bringeth ſute, *&c.* And the aforeſaid *Henry*, *George*, *Thomas Moundford*, *John Argent*, *John Taylor*, and *William Bowden*, by *Francis Barker* their Attorny, come and defend the force and injury when, *&c.* And as to the coming with force and Arms, ſay, That they are not thereof guilty, And of that put themſelves upon the Country, and the aforeſaid *Thomas Bonham* likewiſe, And as to the reſt of the Treſpaſs and Impriſonment aforeſaid, above ſuppoſed to be done, The ſaid *Henry*, *George*, *Thomas Moundford*, *John Argent*, *John Taylor*, and *William Bowden* ſay, That the aforeſaid *Thomas Bonham*, his Action aforeſaid againſt them ought not to have, becauſe they ſay, That before the aforeſaid time, in which it is ſuppoſed the aforeſaid Treſpaſſe and Impriſonment to be done, The Lord *Henry* late King of *England* the 8th. the 23d. day of *September*, in the yeer of his Reign by his Letters Patents, which the ſaid *Henry*, *George*, *Thomas Moundford*, *John Argent*, *John Taylor*, and *William Bowden*, with his great Seal of *England* ſealed, bearing date at *Weſtminſter*, the ſame day and yeer here in Court brought, Reciting, Whereas he thought it the duty of his Kingly Office, in all reaſon to provide for the good and welfare of his People, That

That would first of all be done, if he might in due ſeaſon meet with the enterprizes of wicked men, firſt therefore ye held it neceſſary to reſtrain the boldneſs of wicked men, who profeſſed Phyſick more for avarice, than out of confidence of a good Conſcience; Whereupon, very many incommodities did ariſe, to the rude and credulous Cõmon-people, Therefore, partly imitating the example of the well-governed Cities, and other Nations inclined thereunto, at the requeſt of the grave Men and Doctors, *John Chambre*, *Thomas Linacre*, *Ferdinand de Victoria*, his Phyſicians, of *Nicholas Hatſwel*, *John Franciſco*, and *Robert Toxley* Phyſicians, and chiefly of the right Reverend Father in Chriſt, and Lord, *Thomas*, titled of the Holy Church beyond *Tyber*, Prieſt of the moſt Holy Church of *Rome*, Cardinal of *York*, Arch-Biſhop, and our Well beloved Chancellor of our Kingdom of *England*; A College perpetual of Doctors and Grave Men, who Phyſick in his City of *London*, and the Suburbs, and within 7. Miles from the ſaid City every way, might publickly exerciſe, he Willed and commanded to be inſtituted, to whom, for his honour, and in the name of the publick good, and care, (as he hoped) the ignorance and raſhneſs of the malitious, which he remembred, as well by their example and gravity to deterr, as by his Lawes late made, and and by Conſtitution to be made by the ſame College to puniſh; Which that they might more eaſily well accompliſh, to the remembred Doctors, *John Chambers*, *Thomas Linacre*, *Ferdinand de Victoria*, his Phyſicians, *Nicholas Hatſwel*, *John Franciſco*, and *Robert Toxley* Phyſicians, he granted, that they, and all Men of the ſame faculty, of and in the City aforeſaid, ſhould be in deed and Name, one Body and Comminalty perpetual, or College perpetual, and that the ſaid Comminalty or College every yeer for ever, might choſe and make of that Cõminaltie, any diligent man, and ſkilful in the faculty of Phyſick, to be Preſident of the ſaid College or Comminalty, to overſee, rule, and govern, for that yeer the College or Comminalty aforeſaid, and all men of the ſaid faculty, and their buſineſſes; And that the ſaid Preſident and College or Comminalty ſhould have perpetual ſucceſſion, and a Common Seal, to ſerve for the buſineſſes of the ſaid Comminalty and Preſident for ever, And that they and their Succeſſors for ever, ſhould be perſons able and capable to purchaſe and poſſeſſe in Fee, and for ever, Lands, Tenements, Rents, and other poſſeſſions whatſoever; He alſo granted to them and their Succeſſors, for him and his Heirs, That they and their Succeſſors, might purchaſe to them and their Succeſſors, aſwell in the ſaid City, as out of it, Lands, and Tenements whatſover, not exceeding the yeerly value of 12. pound, notwithſtanding the Statute of Alienation in *Mortmain*, And that they by the name of Preſident of the College or Cõminalty of the faculty of Phyſicians *Lond.* might plead, or might be impleaded, before whatſoever Judges in all Courts and Actions whatſoever, And that the aforeſaid Preſident and College, or Comminalty, and their Succeſſors, lawful aſſemblies, and honeſt of themſelves, and Statutes and Ordinances for the wholeſom Government, Overſight, and Correction of the College or Comminalty aforeſaid, and of all Men the ſame faculty in the ſame City, or within 7. Miles circuit of the ſaid City exerciſing, according to the exigence or neceſſity (as often, and when need was) might lawfully, and without peril make, without the hindrance of the ſaid late King, his Heirs, or Succeſſors whatſoever, his Juſtices, Eſcheators,

cheators, Sheriffs, and other his Bayliffs and Miniſters, his Heirs and Succeſſor whatſoever; He alſo granted to the ſaid Preſident, College, or Comminalty, and their Succeſſors, That none in the ſaid City, or 7. Miles in Circuit thereof, do exerciſe the ſaid faculty, unleſſe to this, by the ſaid Preſident or Comminalty, or their Succeſſors, who for the time ſhould be, he be admitted by the Letters of the ſaid Preſident and College, with their Common Seal ſealed, upon the penalty of 100. ſhillings for every Moneth, that not being admitted, he ſhould exerciſe the ſame faculty, half thereof to the Lord the King, and his Succeſſors, and half thereof to the ſaid Preſident and College to be applyed; He beſides, willed and granted, for him and his Succeſſors (as much as in him was) That by the Preſident and College of the aforeſaid Comminalty, for the time being, and their Succeſſors for ever, Four every yeer by them ſhould be choſen, ſhould have the Overſeeing, ſearching, Correction, and Government, of all and ſingular the Phyſicians of the ſaid City, exerciſing the faculty of Phyſick within the ſaid City, and ſo of other Phyſicians forein whom ſoever, the ſaid faculty of Phyſick any wiſe frequenting and uſing within the ſaid City, and the Suburbs thereof, or within 7. miles in Circuit of the ſaid City and the puniſhment of them for their offences in not well exerciſing doing and uſing the ſame, as alſo the overſight and ſearching of all Medicines and the reception of them by the ſaid Phyſicions or any of them to the Leige people of the ſaid late King, for curing and healing their infirmities, to be given, put, and uſed, as often, and when need ſhall be, for the Commodity and profit of the ſaid Liege people of the ſaid late King, So as the puniſhments of the ſaid Phyſicians, uſing the ſaid faculty of Phyſick, in the Premiſes offending, by Fines, Amercement, and Impriſonment of their Bodies, and by other wayes reaſonable and fitting be executed; He alſo willed, and granted, for him, and his Heirs, and Succeſſors, (as much as in him was) That neither the Preſident, nor any of the College aforeſaid of Phyſicinas nor their ſucceſſors nor any of them exerciſing the ſame faculty any way in future within the City aforeſaid, and the ſuburbs thereof, or elce-where, ſhould be ſummoned or put, nor any of them ſhould be ſummoned or put in any Aſſiſes, Juries, Inquiſitions, Attachments, and other Recognitions, within the ſaid City, & the Suburbs thereof for ever, before the Mayor, or Sheriffs, or Coroners of the ſaid City, or by any Officer, or Miniſter, or Officers, or Miniſters, although the ſaid Juries, Inquiſitions, or Recognitions, were ſummoned upon the Writ or Writs of the ſaid late King, or his Heirs, of Record, But that the ſaid Maſters or Governours, and Comminalty of the faculty aforeſaid, and their Succeſſors, and every of them the ſaid faculty exerciſing, againſt the ſaid late King, his Heirs and Succeſſors, and againſt the Mayor and Sheriffs of the ſaid City aforeſaid, for the time being, and whatſoever their Officers or Miniſters, ſhould be thereof acquitted and diſcharged for ever, as by the ſaid Letters Patents, amongſt other things more fully appeareth. And the ſaid *Henry, George, Thomas Mowndford, John Argent, John Taylor*, and *William*, further ſay, That by virtue of the Letters Patents aforeſaid, the aforeſaid *John Chambre, Thomas Linacre, Ferdinand de Victoria, Nicholas Haſwell, John Franciſcus*, and *Robert Tuckey* Phyſicians, and all men of the ſaid faculty, in the City aforeſaid, were one body and Comminalty perpetual, or College perpetual; And that afterwards,

wards, by a certain Act of Parliament, of the ſaid late King *Henry* the 8th. holden at *London*, the 15th. day of *April*, in the yeer of his Reign the 14th. and from thence adjourned unto *Weſtminſter*, in the County of *Middleſex*, the laſt day of *July*, in the yeer of the ſaid late King, the 15th. and then there holden, amongſt other things, It was Enacted by Authority of the ſame Parliament, That for that, that the making of the ſaid Corporation of Phyſicians, was meritorious, and very good for the Common-wealth of this Kingdom of *England*, and beſides it was expedient and neceſſary to provide, That no perſon of the ſaid body politick and Comminalty aforeſaid, ſhould be ſuffered to exerciſe and to practiſe Phyſick, but onely ſuch perſons as ſhould be profound, ſad, and diſcreet, groundedly learned, and deeply ſtudied in Phyſick, In Conſideration whereof, and for the further authorizing of the ſaid Letters Patents, and alſo for the enlarging and amplifying of further Articles for the aforeſaid Common-wealth, to be had and made by the ſaid late King, with the conſent of the Lords Spiritual, and Temporal, and Comminalty in the ſaid Parliament aſſembled, It is Enacted, amongſt other things, That the aforeſaid Corporation of the Comminalty and fellowſhip of the faculty of the Art of Phyſick aforeſaid, and all and every Grant, Article, and other things contained and ſpecified in the ſaid Letters Patents ſhould be approved, granted, ratified and confirmed, in the aforeſaid Act, and ſhould clearly be authorized and admitted by the ſame good, lawful, and available, to the aforeſaid bodie corporate and their Succeſſors for ever, in as ample and large manner as it might be taken, thought, and conſtrued by the ſaid Letters Patents: And further, It is enacted, ordained, and eſtabliſhed by the ſaid Act, That the aforeſaid 8. perſons, in the aforeſaid Letters Patents named as principal, and firſt named of the aforeſaid Comminalty and Fellowſhip, ſhould chooſe to them two other of the ſaid Comminalty, who from thenceforth ſhould be called and named *Elects*, and the aforeſaid *Elects*, yeerly ſhould chooſe one of them to be Preſident of the ſaid Comminalty, and as often as any of the Rooms and place of the ſaid *Elects*, ſhould happen to be void by death, or otherwiſe, then the Supervifors of the ſaid *Elects*, within 30. or 40. dayes, next after their deaths, or of any of them, ſhould chooſe, name, and admit, one, or more, as need ſhould requite, of the moſt learned and expert men of and in the aforeſaid faculty in *London*, to ſupply the place and number of 8. perſons, ſo that he or they, who ſhould be choſen, be firſt examined ſtrictly by the ſaid Supervifors, according to the form deviſed by the ſaid *Elects*, and alſo by the ſaid Supervifors approved, as by the ſaid Act amongſt other things more fully appeareth. And the ſaid *Henry*, *George*, *Thomas Moundford*, *John Argent*, *John Taylor*, and *William*, further ſay, That afterwards, and before the time in which, *&c.* By another Act of Parliament of the Lady *Mary* the Queen of *England*, the 24th. day of *October*, in the year of the Reign the firſt, at *Weſtminſter* aforeſaid, That whereas in the Parliament holden at *London*, the 5th. day of *April*, in the yeer of the Reign of the Lord *Henry*, late King of *England* the 8th. the 14th. and from thence adjourned unto *Weſtminſter*, the laſt day of *June*, in the yeer of his Reign the 15th. and there holden, It was Enacted, That a certain grant by Letters Patents of Incorporation, made and granted by the aforeſaid late King, to the Phyſicians of *London*, and all clauſes and Articles contained in the ſaid grant, ſhould be approved, granted, ratified, and confirmed by the ſaid Parliament, In conſideration whereof, It was

Enacted by the Authority of the ſame Parliament, That the aforeſaid Statute, and Act of Parliament, in all the Articles and clauſes in the ſame contained, from thenceforth for ever ſhould ſtand and continue in full ſtrength, force, and effect, any Statute, Law, Cuſtom, or any thing made, had, or uſed to the Contrary, in any thing notwithſtanding: And for the better Reformation of divers enormities happening to the Commonwealth, by the evill uſage, and undue adminiſtration of Phyſick, and for the amplifying, and inlarging of the laſt Articles, for the better execution of the things in the aforeſaid grants conteined, it was further Enacted, That whenſoever the Preſident of the College, or Comminalty of the faculty of Phyſick in *London* for the time being, or ſuch as the aforeſaid Preſident, and College yearly, according to the Tenor, and meaning of the ſame Act, ſhould authorize to ſearch, examine, and correct, and puniſh all offenders, and tranſgreſſors, in the aforeſaid faculty, within the ſame City, and precinct, in the aforeſaid Act expreſſed, ſhould ſend, or commit ſuch offender, or offenders, for his or their offences, or diſobedience, contrary to any Article, or Clauſe, conteined in the aforeſaid grant, or Act, to any Ward, Gaol, or Priſon within the aforeſaid City, and precinct aforeſaid, (the Tower of *London* excepted) that then, and from time to time, the Warders, Gaolers, and Keepers of the Wards, Gaols, and Priſons, within the City, or precinct aforeſaid, (the Tower of *London* excepted) ſhould receive into his, or their Priſons, all and every ſuch perſon, or perſons ſo offending, which ſhould be ſent, or committed to him, or them as aforeſaid, and there ſafely ſhould keep the perſon, or perſons ſo committed into any of their Priſons, at the proper coſts, and charges of the perſon, or perſons ſo committed, without Bail, or mainprize, until ſuch offender, & offenders, or diſobedients, be diſcharged of the aforeſaid impriſonment by the aforeſaid Preſident, and ſuch perſons as by the aforeſaid College ſhould be authorized, upon pain, that every ſuch Warder, Gaoler, or Keeper, doing the contrary, ſhould loſe, and forfeit double of ſuch fine, and amercement, as ſuch offender, or offenders, or diſobedients ſhould be aſſeſſed to pay by ſuch as the ſaid Preſident, and College as ſhould be authorized as before is ſaid, ſo as the ſaid Fine, and Amercement, ſhould not be at any time above the ſum of 20 pound, the moiety whereof to be imployed to the uſe of the ſaid late Queen, her Heirs, and Succeſſors, and the other moiety to the aforeſaid Preſident, and College, all which forfeiture ſhould be recovered by Action of debt, Bill, Plaint, or Information, in any of the ſaid late Queens, her heirs, or ſucceſſors, Courts of Record, againſt any ſuch Warden, Gaoler, or Keeper ſo offending, in which no Eſſoin, wager of Law, nor Protection ſhould be allowed, nor be admitted for the defendant, And further it was Enacted, by the authority of the ſaid Parliament, That all Juſtices, Mayors, Sheriffs, Bayliffs, Conſtables, and other Miniſters, and Officers, within the City, and precinct aforeſaid, upon requeſt to them made, ſhould help, aid, and aſſiſt the Preſident of the aforeſaid College, and all perſons by them from time to time authorized, for the due execution of the ſaid Act, or Statute, upon pain for not giving of help to them of being in cõtempt of the ſaid late Queen, her Heirs, and Succeſſors, as by the ſame Act amongſt other things more fully appeareth. And the ſaid *Henry*, *George*, *Thomas Mounſford*, *John Argent*, *John Taylor*, and *William*, further ſay, That by virtue of the ſaid Letters Patents, and by force of the Statutes aforeſaid, One *Thomas Langton* Doctor of Phyſick, a man diligent, and skilful in the faculty

culty of Phyſick, and then one of the Comminalty of the College of Phyſitions in *London* aforeſaid, before the time in which, &c. that is to ſay, the 30th. day of *September*, in the year, 1605. at the College of Phyſicians, ſituate in *London*, in the Pariſh of Saint *Bennet-Pauls-Wharf*, in the Ward of *Baynards Caſtle*, was duly choſen Preſident of the College aforeſaid, and then and there held the ſaid Office of Preſident of the College aforeſaid, And the ſaid *Thomas Langton* being Preſident of the College aforeſaid, The ſame Preſident and Cōminalty of the College aforeſaid, the ſame 30th. day of *September*, in the yeer 1606 aboveſaid, at the College aforeſaid, choſe *Ralph Wilkinſon*, *William Dun*, *Richard Palmer*, and *John Argent*, diligent men, and ſkilful in the faculty of Phyſick, and then being 4. Doctors of the College aforeſaid, to be the 4. Cenſors or Governours of the Comminalty aforeſaid, to overſee, teach, correct, and govern, all and ſingular Phyſicians of the ſaid City, uſing the faculty of Phyſick in the ſaid City, and other forein Phyſicians whomſoever, frequenting to, and uſing the ſaid faculty of Phyſick, any wayes within the ſaid City & the Suburbs thereof, or within 7. Miles in circuit of the ſame City, and to puniſh their defects in not well exerciſing, doing, and uſing the ſame; As alſo to overſee, and ſearch all manner of Medicines, and their Receipts by the ſaid Phyſicians, or any of them, for curing of infirmities, as often as need ſhould be, And to puniſh the ſaid Phyſicians, Delinquents, exerciſing the ſaid faculty of Phyſick, by Fines, Amercements, and Impriſonment of their Bodies, and other wayes reaſonable and fitting, according to the form and effect of the ſaid Letters Patents, and the Statutes aforeſaid: And the ſaid *Thomas Langton*, being Preſident of the College aforeſaid, and the aforeſaid *Ralph Wilkinſon*, *William Dun*, *Richard Palmer*, and *John Argent*, being likewiſe the 4. Cenſors or Governours of the College aforeſaid, The aforeſaid *Thomas Bonham*, within the aforeſaid time in which, &c. That is to ſay, the 10th. day of *April*, in the yeer of our Lord, 1606. within *London* aforeſaid, in the aforeſaid Pariſh of the bleſſed Lady of *Bow*, in the Ward of Cheap aforeſaid, contrary to the form and effects of the Letters Patents aforeſaid, and the aforeſaid Statute, made in the Parliament aforeſaid, of the ſaid King *Henry* the 8th. did practiſe Phyſick, not admitted by the Letters of the aforeſaid Preſident and College, ſealed with their Common Seal, whereas in truth, the aforeſaid *Thomas Bonham*, was inſufficient to practiſe Phyſick; By reaſon whereof the ſaid *Thomas Bonham* afterwards, that is to ſay, the 13th. day of *April*; in the yeer of our Lord, 1606. at *London*, in the Pariſh and Ward aforeſaid, was ſummoned by the aforeſaid Cenſors or Governours of the College aforeſaid, to appear before the Preſident, and Cenſors, or Governours, of the College aforeſaid, at the College aforeſaid, in the Pariſh and Ward aforeſaid, the 14th. day of *April*, in the yeer of our Lord, 1606. aboveſaid, then next following, to be examined upon the premiſes: At which 14th. day of *April*, in the yeer of our Lord, 1606. aforeſaid, at the College aforeſaid came the aforeſaid *Thomas Bonham* in his proper perſon, and there was examined of his ſcience in his facultie of Phyſick adminiſtred, by the aforeſaid Cenſors or Governors of the College aforeſaid, and becauſe the ſaid *Thomas Bonham* ſo examined anſwered very inſufficiently in the Art of Phyſick, then and there upon his examination aforeſaid, and was found by the aforeſaid Preſident, and Cenſors, or Governours of the College aforeſaid, very inſufficient, and unſkilful, to adminiſter Phyſick; And for that the aforeſaid *Thomas Bonham*, being ma-

ny times examined, and forbidden by the Preſident, and Cenſors, or Governours aforeſaid, for the cauſes aforeſaid, to adminiſter Phyſick, for a Moneth or more, after ſuch forbidding of him within *London* aforeſaid, in the aforeſaid Pariſh of the bleſſed *Mary* of *Bow*, in the Ward aforeſaid, without the licenſe of the aforeſaid Preſident and College, under their common Seal, contrary to the form of the Letters Patents aforeſaid, and the Statutes aforeſaid did practiſe, Then and there it was granted, by the aforeſaid Preſident, and Cenſors, or Governours, of the College aforeſaid, That the aforeſaid *Tho.* for his Diſſobedience and Contempt be amerced to 100. ſhillings, in the next aſſembly of the aforeſaid Preſident and College, at the College aforeſaid to be paid: And then and there it was commanded, to the ſaid *Thomas Bonham*, by them the Preſident, and Cenſors, or Governours of the College aforeſaid, That the aforeſaid *Thomas Bonham*, from thenceforth ſhould forbear to practiſe Phyſick within the aforeſaid City of *London*, and the Suburbs thereof, and 7. Miles circuit of the ſaid City, until the ſaid *Thomas Bonham*, were found to be ſufficient, and ſhould be admitted to practiſe the ſaid Art of Phyſick, within the City and circuit aforeſaid, by the Preſident and College aforeſaid, under the pain of being caſt into Priſon, if in the premiſes, as is aforeſaid, he ſhould offend. And the ſaid *Henry*, *George*, *Thomas Moundford*, *John Argent*, *John Taylor*, and *William Bowden* further ſay, That after and before the aforeſaid time in which, *&c.* That is to ſay, the firſt day of *October*, in the yeer of our Lord, 1606. aboveſaid, At the College aforeſaid, in the Pariſh and Ward aforeſaid, The aforeſaid *Thomas Langton*, Doctor of Phyſick, a man diligent, and ſkilful in the faculty of Phyſick, & then one of the Cōminalty of the College of Phyſicians in *London* aforeſaid, and one of the Electors of the College aforeſaid, was elected and choſen into the Office of Preſident of the College aforeſaid, for one year then next following, and the Office of Preſident of the College aforeſaid, then and there held; And the ſaid *Thomas Langton*, being Preſident of the College aforeſaid, the ſame Preſident and Comminalty of the College aforeſaid, the ſaid firſt day of *October*, in the yeer of our Lord, 1606. aboveſaid; at the College aforeſaid, choſe the aforeſaid *George Turner*, *Thomas Moundford*, *William Dun*, and *John Argent*, Doctors, men diligent and ſkilful in the faculty of Phyſick, and then being 4. of the College aforeſaid, to ſuperviſe, ſearch, correct, and govern, all and ſingular the Phyſicians of the ſaid City, exerciſing the faculty of Phyſick in the ſaid City, and other forein Phyſicians whomſoever, frequenting to, and exerciſing the ſaid faculty of Phyſick, within the ſame City, and the Suburbs of the ſame City, or within 7. Miles circuit of the ſaid City, And to puniſh their defects, in not well exerciſing, doing, and uſing the ſame, As alſo to overſee, and ſearch, all manner of Medicines, and Receipts, by the ſaid Phyſicians, exerciſing the ſaid faculty of Phyſick within the City of *London* aforeſaid, and the circuit aforeſaid, or any of them, for the curing of diſeaſes, as often as need ſhould be required, and to puniſh the ſaid Phyſicians, exerciſing the faculty of Phyſick in the premiſes, Delinquents, by Fines, Amercements, and Impriſonments of Body, and other wayes reaſonable and fitting, according to the form and effect of the Letters Patents aforeſaid, and the Statutes aforeſaid: And the ſaid *Thomas Langton*, being Preſident of the College aforeſaid, & the aforeſaid *G. Turner*, *Thomas Moundford*, *Wil. Dun*, & *John Argent*, being likewiſe the 4. Cenſors, or Governours of the College aforeſaid, The ſaid *Thomas Bonham*, before the

time

time in which, &c. that is to ſay, the 20th. day of *October*, in the yeer of our Lord 1606 aboveſaid, within *London* aforeſaid, that is to ſay, in the aforeſaid Pariſh of the bleſſed *Mary* of *Bow*, in the Ward of Cheap aforeſaid, did practiſe Phyſick, contrary to the form of the aforeſaid Letters Patents, and the Statutes aforeſaid; and the aforeſaid Forbidding and Command of the aforeſaid Preſident and Cenſors; And afterwards, that is to ſay, The ſame 20th. day of *October*, in the yeer of our Lord 1606. aforeſaid, The ſaid *Thomas Bonham*, at *London* aforeſaid, in the aforeſaid Pariſh of the bleſſed *Mary* of *Bow*, in the Ward of Cheap aforeſaid, was ſummoned by the aforeſaid Cenſors, or Governours of the College aforeſaid, at the College aforeſaid, in the Pariſh and Ward aforeſaid, the 22d. day of the ſaid moneth of *October*, upon the premiſes to be examined, At which 22d. day of *October*, in the yeer of our Lord, 1606. aboveſaid, At the Aſſembly of the College aforeſaid, holden at the College aforeſaid, at *London* aforeſaid, in the Pariſh and Ward aforeſaid, afterwards, that is to ſay, the ſame 22d. day of *October*, in the yeer of our Lord, 1606. aboveſaid, before the ſaid *George Turner*, *Wil. Dan*, *Thomas Moundford*, and *Joh. Argent*, then Cenſors & Governours of the College aforeſaid, becauſe that the ſaid *Thomas Bonham*, by the aforeſaid Cenſors or Governours of the College aforeſaid, as it is ſaid, warned to appear at the College aforeſaid, before the Preſident, & Cenſors, or Governours of the College aforeſaid, the aforeſaid 22d. day of *Octob.* in the ſame day did not appear, Then and there it was granted, by the ſaid Cenſors or Governours of the College aforeſaid, That the ſaid *Thomas Bonham*, for his diſſobedience and contempts, ſhould be amerced to 10. pound, And that the ſaid *Thomas Bonham*, for the cauſes aforeſaid, ſhould be arreſted, and delivered into cuſtody, And the ſaid *Henry*, *George*, *Thomas Moundford*, *John Argent*, *John Taylor*, and *William Bowden*, further ſay, That afterwards and before the time in which, &c. that is to ſay, the 24th. day of *October*, in the yeer of our Lord, 1606. aboveſaid, The ſaid *Thomas Langton* Preſident of the College aforeſaid, at *London*, in the aforeſaid Pariſh of the bleſſed *Mary* of *Bow*, in the Ward of *Cheap* aforeſaid, dyed; After whoſe death, and before the time in which, &c. That is to ſay, the 25th. day of *October*, in the yeer of our Lord, 1606. aboveſaid, The ſaid *Henry Atkins*, a diligent man, and ſkilful in the faculty of Phyſick, and one of the Comminalty of the College aforeſaid, and one of the then 8. Electors, of the College aforeſaid then being, at the College aforeſaid, within *London* aforeſaid, in the Pariſh and Ward aforeſaid, was in due manner choſen, and into the office of Preſident of the College aforeſaid, for one whole yeer then next following, and then and there held the ſaid Office of Preſident, of the College aforeſaid; And the ſaid *Henry Atkins*, being Preſident of the College aforeſaid, and the aforeſaid *George Turner*, *William Dun*, *Thomas Moundford*, and *John Argent* being Cenſors, or Governours of the College aforeſaid, at an Aſſembly of the College aforeſaid holden, at the College aforeſaid, within *London* aforeſaid, in the Pariſh and Ward aforeſaid, the 7th. day of *November*, in the yeer of our Lord, 1606. aboveſaid, before the aforeſaid *Henry Atkins*, then Preſident of the College aforeſaid, and the aforeſaid *George Turner*, *William Dun*, *Thomas Moundford*, and *John Argent*, then Cenſors or Governours of the College aforeſaid, came the aforeſaid *Thomas Bonham* in his proper perſon, Of which *Thomas Bonham* when the aforeſaid *Henry Atkins*, then Preſident of the College, and the aforeſaid *George Turner*, *William Dun*, *Thomas Moundford*, and *John Argent* then Cenſors

ſors or Governours of the College aforeſaid, they aſked whether he would ſatisfie to the College aforeſaid for his diſobedience and contempts aforeſaid, and again ſubmit himſelf to be examined, and to obey the Judgement of the College aforeſaid, And the aforeſaid *Thomas Bonham*, then and there anſwered, that he before that had within *London* aforeſaid, done and practiſed, and then after within *London* aforeſaid, would do and practiſe Phyſick, no leave being aſked of the ſaid College, and that he would not in any thing to the Preſident, and Cenſors, or Governours of the College aforeſaid yield obedience; And then and there affirming the aforeſaid Preſident, and Cenſors, or Governours aforeſaid, to have no authority over thoſe who are made Doctors in the Univerſity: By which, the ſaid Cenſors, or Governours, for the offences and diſobedience aforeſaid, Then and there Ordained, and Decreed, That the aforeſaid *Thomas Bonham*, ſhould be ſent to Priſon, there to remain, until from thence by the Preſident, and Cenſors, or Governours for the College aforeſaid for the time being he ſhould be delivered, as by the ſaid Letters Patents, and the Statutes aforeſaid, it is Ordained, and Eſtabliſhed, and then and there made their Warrant, with the Common Seal of the College or Comminalty ſealed, And to the Keeper of of the Priſon of the Lord the King, in the *Compter London* in the *Poultry*, in the Pariſh of St. *Mildred* directed, commanded by the ſaid Warrant to the Keeper of the Priſon aforeſaid, That the ſaid Keeper of the Priſon aforeſaid, ſhould receive the Body of the ſaid *Thomas Bonham*, and him in the Priſon aforeſaid of the ſaid Lord the King there ſhould ſafely keep, without Bail, or Main-priſe, at the proper coſts and charges of the aforeſaid *Thomas Bonham*, until the aforeſaid *Thomas Bonham*, by the command of the Preſident, and Cenſors, or Governours aforeſaid, or their Succeſſors he ſhould be delivered; Which *Thomas Bonham*, for his offences and diſobedience aforeſaid, together with the Warrant aforeſaid, in form aforeſaid made, the ſaid *Henry Atkins*, then being Preſident of the College aforeſaid, & the aforeſaid *George Turner*, *William Dun*, *Thomas Moundford*, and *John Taylor*, then being Cenſos or Governours of the College aforeſaid, by virtue of the Letters Patents and Statutes aforeſaid, and the aforeſaid *William Bowden*, and *John Taylor*, as Servants of the ſaid *Henry Atkins* Preſident, and of *George*, *William Dun*, *Thomas Moundford*, and *John Argent*, and by their the ſaid Preſident, and 4. Cenſors or Governours aforeſaid, Warrant, the aforeſaid time in which, *&c.* to one *Richard Ware*, then Keeper of the ſaid Priſon of the Lord the King, of the *Compter* aforeſaid at *London*, in the Pariſh of St. *Mildred* in the *Poultry* in the Ward of *Cheap* aforeſaid, as to them it was lawful to do; Which commitment of the aforeſaid *Thom. Bonham*, for the cauſes aforeſaid, in form aforeſaid done, is the ſame Treſpaſs and Impriſonment, whereof the aforeſaid *Tho. Bonham* above complaineth: And this they are ready to averr, and demand Judgement, if the ſaid *Thomas Bonham*, his Action aforeſaid againſt them ought to have, *&c.* And the aforeſaid *Thomas Bonham* ſaith, That he for any thing before alleged, to have his Action, ought not to be barred, Becauſe, (by proteſtation he ſaith,) That he the ſaid *Thomas Bonham*, was not inſufficient, nor was found by the aforeſaid Preſident, and Cenſors, or Governours, of the College aforeſaid, to practiſe Phyſick, nor unfitly, or inſufficiently to the aforeſaid Preſident, and Cenſors, or Governours, of the College aforeſaid in the Art of Phyſick did anſwer, as the ſaid *Henry Atkins*, *George Turner*, *John Moundford*, *John Argent*, *John Taylor*, and *William Bowden* above hath alleged, For Plea, the ſaid *Thomas Bonham*,

ham ſaith, That by the aforeſaid Act in the aforeſaid Parliament, of the aforeſaid late King *Henry* the 8th. holden at *London* aforeſaid, the aforeſaid 5th. day of *April*, in the yeer of his Reign the 14th. and from thence adjorned to *VVeſtminſter*, in the aforeſaid County of *Middleſex*, until the laſt day of *July*, in the yeer of the Reign of the ſaid King the 15th. and there then holden, It was further Enacted by Authority of the ſame Parliament, That whereas in the Dioceſſe out of *London*, it was not then very like always to find men able ſufficiently to examine, according to the Statute, ſuch as ſhould be admitted to exerciſe Phyſick in them, That no perſon then after be ſuffered to exerciſe Phyſick through *England*, until the ſaid perſon ſhould be examined at *London*, by the aforeſaid Preſident, and three of the aforeſaid Electors, and ſhould have from the ſaid Preſident and Electors, Letters Teſtimonials, of their Approbation and Examination, except he ſhould be a Graduate of *Oxford* or *Cambridge*, who had accompliſhed all things for his form without any Grace. And further, the ſaid *Thomas Bonham* ſaith, That he the ſaid *Thomas*, the ſecond day of *July*, in the year of our Lord 1595 in the Univerſity of *Cambridge* aforeſaid took the Degree and Dignity of a Doctor in Phyſick, and then and there, that is to ſay, the ſaid ſecond day of *July* in the year of our Lord 1595 aboveſaid in the Univerſity aforeſaid at *Cambridge* aforeſaid, in the County of *Cambridge*, was duly and lawfully ordained, and made a Graduate of the Univerſity aforeſaid, that is to ſay, Doctor in Phyſick, according to the Lawes, Statutes, Conſtitutions, and ordinances of the ſaid Univerſity of *Cambridge* aforeſaid, and that he the ſaid *Thomas Bonham*, then and there had accompliſhed all things concerning his Degree aforeſaid, by his form, without grace, from time to time, according to the Lawes, Statutes, Conſtitutions, and Ordinances of the ſaid Univerſity of *Cambridge* aforeſaid; By colour whereof, the ſame *Thomas Bonham*, a Graduate of the Univerſity of *Cambridge* aforeſaid, that is to ſay, being Doctor in Phyſick in the form aforeſaid, who had accompliſhed all things concerning his Degree aforeſaid, for his form, without any grace, The ſaid faculty of Phyſick from time to time in the ſaid City of *London*, that is to ſay, in the aforeſaid Pariſh of the bleſſed *Mary* of *Bow*, in the Ward of *Cheap* aforeſaid did exerciſe, as it was lawful for him to do, until the aforeſaid *Henry Atkins*, *George Turner*, *Thomas Mounsford*, *John Argent*, *John Taylor*, and *William Bowden*, together with, *&c.* the aforeſaid 10th. day of *November*, in the 4th. yeer aboveſaid, with force and Arms him the ſaid *Thomas Bonham*, at *London* aforeſaid, in the aforeſaid Pariſh of the bleſſed *Mary* of *Bow*, in the Ward of *Cheap*, took and impriſoned, and him there in Priſon long, that is to ſay, by the ſpace of 7. dayes, againſt the Law and Cuſtom of this Kingdom of *England* did detain, as the aforeſaid *Thomas Bonham* above againſt them complaineth, and this he is ready to averr; Whereupon, in as much as the aforeſaid *Henry Atkins*, *George Turner*, *Thomas Mounsford*, *John Argent*, *John Taylor*, and *William Bowden*, the Treſpaſſe and Impriſonment aforeſaid, above have acknowledged, The ſaid *Thomas Bonham* demandeth Judgement, and his damages by reaſon of the Treſpaſſe and Impriſonment aforeſaid, to be adjudged unto him, *&c.* And the aforeſaid *Henry Atkins*, *George Turner*, *Thomas Mounsford*, *John Argent*, *John Taylor*, and *William Bowden*, ſay, That the aforeſaid Plea of the aforeſaid *Thomas Bonham*, above by Replication pleaded, is not ſufficient in Law, to the Action of the aforeſaid *Thomas Bonham*, againſt them the ſaid *Henry Atkins*, *George Turner*, *Thomas Mounsford*, *John Argent*, *John Taylor*,

Taylor, and *William Bowden*, to maintain, and that they to that Plea in manner and form aforesaid by Replication pleaded, need not, nor by the Law of the Land are bound to answer, and this they are ready to averr, whereupon they demand Judgement, and that the said *Thomas Bonham*, from having his Action aforesaid against them to be barred; And the aforesaid *Thomas Bonham*, for as much as he sufficient matter in Law, to maintain his Action aforesaid, against the said *Henry Atkins*, *George*, *Thomas Moundford*, *John Argent*, *John Taylor*, and *William Bowden*, above hath alleged, which he is ready to aver, which matter the aforesaid *Henry*, *George*, *Thomas Moundford*, *John Argent*, *John Taylor*, and *William Bowden*, do not deny, nor to the same any wayes answer, but the same averment altogether to admit do refuse, as at first, he demands Judgement and his damages, by occasion of the Trespasse and Imprisonment aforesaid to be adjudged to him, *&c.* And because the Justices here will avise themselves of and upon the premisses aforesaid, whereof the parties have put themselves to the Judgement of the Court aforesaid, before that they give their Judgement thereof, Day is given to the parties here, until in 8. dayes of St. *Hillary*, to hear their Judgement thereof, because the Justices here, are not yet, *&c.*

Formedon.

Michaelmas Term, Anno 37. & 38. *Eliz. Rot.* 82. in the *COMMON PLEAS*, *Lincoln* College Case, *C.* 3. *part. fol.* 53. a.

Robert Chamberlain Esq. by *Apollo Plain* his Attorny, demandeth against the Warden or Rector, and Scholars of the Blessed Lady *Mary*, and *All Saints* of *Lincoln*, in the University of *Oxford*, the Mannors of *Pettesho*, and *Eckney*, with the appurtenances, Except 120. Acres of Pasture in *Pettesho* aforesaid, and 30. Acres of Pasture in *Eckney* aforesaid, which *Alured Cornburgh* Esq. *Richard Danvers* Esq. *Nicholas Statham*, and *William Callow*, gave to *Richard Chamberlain* Esq. and *Sibil Fowler*, and the Heirs Males of the Body of the said *Richard Chamberlain* begotten: And which, after the death of the aforesaid *Richard* and *Sibil*, and of *Edward*, Son and Heir of the said *Edward Chamberlain*, and of *Leonard*, Son and Heir of the said *Edward*, and of *Francis*, Son and Heir of the said *Leonard*, to the aforesaid *Robert*, Son and Heir of the aforesaid *Francis*, ought to descend by the form of the gift aforesaid, *&c.* Whereupon he saith, That the aforesaid *Alured Cornburgh*, *Richard Danvers*, *Nicholas* and *William*, gave the Mannors aforesaid with the appurtenances, to the aforesaid *Richard Chamberlain*, and *Sibil*, and to the Heirs Males of the Body of the said *Richard Chamberlain* begotten, in form aforesaid, *&c.* By which gift, the said *Richard*, and *Sibil* were seised of the said Mannors with the appurtenances, that is to say, the said *Richard*, in his Demesn as of Fee and Right, and the said *Sibil*, in her Demesn as of Free hold, by the form, *&c.* in the time of peace, in the time of the Lord *Ed.* late King of *England* the 4th. after the Conquest, taking thereof the

the profits to the yeerly value, &c. And from him the ſaid *Richard*, the Right deſcended by the form, to one *Edward*, as Son and Heir, &c. And from him the ſaid *Edward*, the Right deſcended by the form, &c. to one *Leonard*, as Son and Heir, &c. And from him the ſaid *Leonard*, the Right deſcended by the form, &c. to one *Francis*, as Son and Heir, &c. And from the ſaid *Fran.* Son of the ſaid *Leonard*, the Right deſcended by the form, &c. to this *Robert*, who now demandeth as Son and Heir, &c. And which after the death, &c. And thereof bringeth Sute, &c. And the aforeſaid Warden, or Rector, and Scholars, by *William Pain* their Attorny come, and defend their Right when, &c. And ſay, That the aforeſaid *Robert Chamberlain*, his Action aforeſaid, againſt them ought not to have, By proteſtation taking it, That the aforeſaid *Alured Cornburgh*, *Richard Danvers*, *Nicholas Stathum*, and *William Collow*, did not give the Mannors aforeſaid with the appurtenances, to the aforeſaid *Richard Chamberlain*, and *Sibil Fowler*, in manner and form, as in the Declaration aforeſaid is alleged, For Plea ſay, That long after the time in which the gift aforeſaid is ſuppoſed to be made, *Richard Lyſter* Gent. *Martin Linſey*, *John Cotesford*, *John Clayton*, *William Hogeſon*, and *Robert Taylor*, Clerks, were ſeiſed of the Mannors aforeſaid with th appurtenanees in their Demeſn as of Fee, and ſo being thereof ſeiſed, The aforeſaid *Sibil*, Great-Grandmother of the ſaid *Robert Chamberlain*, whoſe Heir the ſame *Robert* is, The 5th. day of *May*, in the yeer of the Reign of the Lord *Henry*, late King of *England* the 8th. the 11th. at *Petteſſo* aforeſaid, By her certain Writing of Releaſe, which the ſaid Warden, or Rector, and Scholars, with the Seal of the aforeſaid *Sibil* ſealed, here in Court bring, whoſe date is the ſame day and yeer, remiſed, releaſed, and altogether for her and her Heirs, for ever quit claimed, to the aforeſaid *Richard Lyſter*, *Martin Linſey*, *John Coteford*, *John Clayton*, *William Hogeſon*, and *Robert Taylor*, then of the Mannors aforeſaid with the appurtenances in form aforeſaid being ſeized, in their full and peaceable poſſeſſion then being, their Heirs and Aſſignes for ever, All her Right, Claim, Title, Uſe, Intereſt, and Demand, which ever ſhe had, now hath, or at any time after, might have, of and in the Mannors aforeſaid with the appurtenances: And further, the ſaid *Sibil*, by her aforeſaid Writing, granted for her and her Heirs, That ſhe the ſaid *Sibil*, and her Heirs, the Mannors aforeſaid with the appurtenances, to the ſaid *Richard Lyſter*, *Martin Linſey*, *John Coteford*, *John Clayton*, *William Hogeſon*, and *Robert Taylor*, their Heirs and Aſſignes, againſt the then Abbot of *Weſtminſter*, and his Succeſſors would warrant, and for ever defend, as by the ſaid Writing of Releaſe more fully appeareth: And this the ſaid Warden, or Rector, and Scholars are ready to averr, whereupon they demand Judgement, if the aforeſaid *Robert Chamberlain*, againſt the aforeſaid Writing of Releaſe, the ſaid Warranty of the ſaid *Sibil* his Anceſtor, whoſe Heir the ſaid *Robert* is, in it contained, his Action aforeſaid againſt them ought to have, &c. And the aforeſaid *Robert Chamberlain* ſaith, that he for any thing before alleged, to have his Action aforeſaid ought not to be barred, becauſe he ſaith, That long before the aforeſaid Deed, and before the aforeſaid *Alured*, *Richard Danvers*, *Nicholas Stathum*, and *William Collow*, had any thing in the Mannors aforeſaid with the appurtenances, The aforeſaid *Richard Chamberlain*, was ſeized of the aforeſaid Mannors with the appurtenances, in his Demeſn as of Fee, And the ſaid *Richard* ſo thereof being ſeized before the gift aforeſaid, that is to ſay, the 12th. day of *June*, in the yeer of the Lord *Edward*, late King of *England*, the

4th. after the Conqueſt, the 11th. The aforeſaid *Richard Danvers*, *Alured Cornburgh*, *Nicholas Stathum*, and *William Collow*, out of the Court of the *Chancery* of the ſaid late King *Edward* the 4th. at *Weſtminſter* in the County of *Middleſex*, then being, brought and proſecuted a certain Writ of the ſaid late King *Edward* the 4th. of Right, againſt the ſaid *Richard Chamberlain*, then being Tenant of the Free hold, of the Mannors aforeſaid with the appurtenaces, amongſt other things, to the then Sheriff of the County of *Buckingham* directed: By which Writ, the ſaid late King then and there commanded the ſaid Sherif, That he ſhould command the ſaid *Richard Chamberlain*, by the name of *Richard Chamberlain*, *Eſq.* that juſtly, and without delay, he render to the ſaid *Richard Danvers*, *Alured*, *Nicholas*, and *William*, by the names of *Richard Danvers*, *Alured Gorneburgh Eſq. Nicholas Stathum*, and *William Collow*, the Mannor aforeſaid with the appurtenances, (amongſt other) by the names of the Mannors of *Petteſho*, and *Eckney*, with the appurtenances, & 6. Meſſuages, 200. Acres of Land, 20. Acres of Medow, 200. Acres of Paſture, & 100. ſhillings Rent, with the appurtenances in *Petteſho*, *Eckney*, & *Emberton*, which he claimeth to be his Right & Inheritance: And whereupon they complained *Chamberlain* them unjuſtly deforced, and unleſſe he do, and the aforeſaid *Richard Danvers*, *Alured*, *Nicholas*, and *William Collow*, ſhould him the ſaid Sherif ſecure to proſecute their claim, That then he ſummon by good ſummoners the aforeſaid *Richard Chamberlain*, that he be before the then Juſtices of the ſaid late King *Edward* the 4th. here, that is to ſay, at *Weſtminſter* aforeſaid, from the 15. day of St. *John* the *Baptiſt*, then next following, to ſhew wherefore ye ſhould not do, And that he have then this ſummons, and that Writ, Becauſe *Thomas Rokes*, *Eſq.* Chief Lord of the ſame Fee, remiſed thereof his Court to the ſaid late King *Edward* the 4th. At which 15. dayes of *John* the *Baptiſt*, before *Thomas Brian Kt.* and his Companions, then Juſtices of the ſaid late King *Edward*, the 4th. of the Bench here, that is to ſay, at *Weſtminſter* aforeſaid, came aſwell the aforeſaid *Richard Danvers*, *Alured*, *Nicholas Stathum*, and *William Collow*, by *Thomas Gurney* their Attorny, as the aforeſaid *Richard Chamberlain*, by *John Wildſtall* then his Attorny, And then the Sherif of the aforeſaid County of *Buckingham*, that is to ſay, *Reginald Gray Eſq.* then there returned the Writ aforeſaid, to him in form aforeſaid directed, in all things ſerved and executed, and ſent, that the aforeſaid *Richard Danvers*, *Alured*, *Nicholas*, and *William Collow*, found to the ſaid then Sherif, ſureties to proſecute his Writ aforeſaid, that is to ſay, *Richard Doo*, and *John Roo*, And that the ſaid *Richard Chamberlain*, was ſummoned by *James Tye*, and *John Baker*, good ſummoners, *&c.* And hereupon, The ſaid *Richard Danvers*, *Alured*, *Nicholas. Stathum*, and *William Callow*, by the ſaid *Thomas Gurney* their Attorney, in the ſaid Court of the aforeſaid late King *Edward* the 4th. of the Bench here, that is to ſay, at *Weſtminſter* aforeſaid, at the 15. dayes aforeſaid, of St. *John Baptiſt*, Declared againſt the ſaid *Richard Chamberlain*, of and upon their Writ aforeſaid, and upon their Writ aforeſaid by the ſame *Thomas Gurney*, demanded againſt the aforeſaid *Richard Chambrlain*, the Mannors, Tenements, & Rents aforeſaid with the appurtenances, in the ſaid Writ of Right ſpecified, as their Right and inheritance, by the aforeſaid Writ of the ſaid late King *Edward* the 4th. becauſe the aforeſaid *Thomas Rokes*, Chief Lord of the ſame Fee, Releaſed thereof his Court to the ſaid late King, And whereupon then they ſaid, That they themſelves were ſeized of the Mannors aforeſaid, and of the Rents aforeſaid with the appurtenances, in the ſaid Writ of Right ſpecified, in their Demeſn as of Fee and Right, in the

time of Peace, in the time of the ſaid late King *Edward* the 4th. taking the profits thereof to the value, &c. And that ſuch is their Right then, they did offer, &c. And the aforeſaid *Richard Chamberlain*, by the aforeſaid *John Wildſhide*, by his Attorny, came and defended the Right of the ſaid *Richard Danvers*, *Alured*, *Nicholas*, and *William*, when, &c. And their ſeiſin, of which ſeiſin, &c. as of Fee and Right, &c. And all, &c. And chiefly of the Mannors, Tenements, and Rents aforeſaid with the appurtenances, in the ſaid Writ of Right ſpecified, and then vouched hereof to warranty, *Robert King*, who was preſent in the ſame Court in his proper perſon, and willingly, the Mannors, and Tenements, and Rents aforeſaid with the appurtenances, in the ſaid Writ of Right ſpecified, to them then did warrant, &c. Whereupon the aforeſaid *Richard Danvers*, *Alured*, *Nicholas*, and *William*, then demanded againſt the aforeſaid *Robert*, Tenant by his warranty, the Mannors, Tenements, and Hereditaments aforeſaid, in the ſaid Writ of Right ſpecified, in form aforeſaid, &c. And whereupon, then they ſaid, That they themſelves were ſeiſed of the Mannors, Tenements, and Rents aforeſaid with the appurtenances, in their Demeſn as of Fee and Right in the time of peace, in the time of the ſaid late King *Edward* the 4th. taking thereof the profits to the value, &c. And the aforeſaid *Robert*, Tenant by his warranty aforeſaid, defended the right of the ſaid *Richard Danvers*, *Alured*, *Nicholas*, and *William*, when, &c. And their ſeiſin, of which ſeiſin, &c. as of Fee and Right, and all, &c. And chiefly of the Mannors, Tenements, and Rents aforeſaid with the appurtenances, in the ſaid Writ of Right ſpecified. And then put himſelf on the grand Aſſize, of the ſaid late King *Edward* the 4th. and then demanded Recognition to be made, whether he more right then had, to hold the Mannors, Tenements, and Rents aforeſaid, with the appurtenances, to him and his Heirs, as Tenant thereof by his warranty as he then held, or the aforeſaid *Richard Danvers*, *Alured*, *Nicholas*, and *VVilliam*, to have the Mannors, Tenements, and Rents aforeſaid with the appurtenances, in the ſaid Writ of Right ſpecified, as they above them demanded, &c. And the aforeſaid *Richard Danvers*, *Alured*, *Nicholas*, and *VVilliam*, then returned back in the ſame Court, the ſame very Term of *Holy Trinity*, in the year of the Reign of the ſaid late King *Edward* the 4th. after the Conqueſt the 11th. by their then Attorny aforeſaid, And the aforeſaid *Robert*, ſolemnly called, did not come back, but departed in deſpite of Court, and made default, wherefore it was then granted by the ſame Court, That the aforeſaid *Richard Danvers*, *Alured*, *Nicholas*, and *VVilliam*, ſhould recover their ſeiſin againſt the aforeſaid *Chamberlain*, of the Mannors, Tenements, and Rents aforeſaid with the appurtenances, in the ſaid Writ of Right ſpecified, To hold to them and their Heirs, quietly from the aforeſaid *Richard Chamberlain* and his Heirs; And that the aforeſaid *Richard Chamberlain*, then ſhould have of the Lands of the ſaid *Robert*, to the value, &c. And that the ſaid *Robert*, ſhould then be in mercy, &c. as by the Record and Proceſſe thereof here in Court remaining it manifeſtly appeareth. Which Recovery in form aforeſaid had, was had to the uſe and intent, that the aforeſaid *Alured*, *Richard Danvers*, *Nicholas Statham*, and *VVilliam Gollop*, ſhould give the Mannors aforeſaid with the appurtenances, to the aforeſaid *Richard Chamberlain*, and *Sibil*, and the Heirs Males of the Body of the ſaid *Richard Chamberlain* iſſuing: By Colour of which Recovery, the aforeſaid *Alured*, *Richard Danvers*, *Nicholas*, and *VVilliam Gollop*,

low, into the Mannors and Tenements aforeſaid with the appurtenances entred, and were thereof ſeiſed in their Demeſn as of Fee, to the uſe and intent aforeſaid: And ſo thereof to the uſe and intent aforeſaid being ſeiſed, The ſaid *Alured*, *Richard Danvert*, *William Statham*, and *William Collow*, give the aforeſaid Mannors with the appurtenances to the aforeſaid *Richard Chamberlain*, and *Sibil*, By the names of *Richard Chamberlain Eſq.* and *Sibil Fowler*, and the Heirs Males of the Body of the ſaid *Richard Chamberlain* iſſuing, as the ſaid *Robert Chamberlain*, by his Writ and Declaration aforeſaid above ſuppoſeth: By which gift the aforeſaid *Richard Chamberlain*, and *Sibil*, were ſeiſed of the Mannors aforeſaid with the appurtenances, that is to ſay, the ſaid *Richard Chamberlain*, in his Demeſn as of Fee Tail, that is to ſay, to him and the Heirs Males of his Body iſſuing, and the aforeſaid *Sibil*, in her Demeſn as of Free hold, for the term of her life, by the form of the gift aforeſaid: And afterwards the ſaid *Richard Chamberlain*, at *Petteſho* aforeſaid, took to Wife the aforeſaid *Sibil*, Great-Grandmother of the aforeſaid *Robert Chamberlain*, and had iſſue male of his Body iſſuing, the aforeſaid *Edward Chamberlain*, and afterwards the ſaid *Richard Chamberlain*, at *Petteſho* aforeſaid dyed, and the aforeſaid *Sibil* him overlived, and held her ſelf in the Mannors aforeſaid with the appurtenances, and was thereof ſole ſeiſed in her Demeſn as of Free hold, for the Term of her life, by right of Survivor, *&c.* by the form of the gift aforeſaid; And afterwards the ſaid *Sibil* by her aforeſaid Writing of Releaſe, Remiſed, and releaſed to the aforeſaid *Richard Lyſter*, *Martin Linſey*, *John Cottesford*, *John Clayton*, and *William Hogeſon*, and *Robert Taylor*, all her Right, Claim, Title, State, Uſe, Intereſt and demand, of and in the Mannors aforeſaid with the appurtenances, in manner and form, as in the aforeſaid Bar above is ſpecified; And that afterwards, the ſaid *Sibil*, at *Petteſho* aforeſaid dyed: And from the aforeſaid *Richard*, the right deſcended by the form, *&c.* to the aforeſaid *Edward*, as Son and Heir, *&c.* And from the ſaid *Edward*, the right deſcended by the form, *&c.* to the aforeſaid *Leonard*, as Son and Heir, *&c.* And from the aforeſaid *Leonard*, the right deſcended by the form, *&c.* to the aforeſaid *Francis*, as Son and Heir, *&c.* And from the ſaid *Francis*, the right deſcended by the form, *&c.* to the ſaid *Robert*, who now demandeth as Son & Heir, *&c.* as he by his Writ and Declaration aforeſaid ſuppoſeth: And this he is ready to averr, wherefore, for as much as by force of a certain Act of Parlament, in the Parliament of the late Lord King *Henry* the 7th. at *Weſtminſter* aforeſaid, in the County aforeſaid, in the yeer of his Reign the 11th. holden, made, The aforeſaid Warranty of the aforeſaid *Sibil*, in form aforeſaid made is altogether void, he demandeth Judgement and his ſeiſin of the Mannors aforeſaid with the appurtenances, to be to him adjudged. And the aforeſaid Warden or Rector, and Scholars ſay, That by the aforeſaid Act in the aforeſaid Parliament of the late King *Henry* the 7th. at *Weſtminſter* aforeſaid, in the yeer of his Reign the 11th. aboveſaid, holden, made, It is provided, That the Act aforeſaid, ſhould not extend to any ſuch Recovery, or diſcontinuance in which the Heirs next inheritable to ſuch Woman, or where he or they who next after the death of the ſaid Woman, had or ſhould have the eſtate of Inheritance in the ſaid Mannors, Lands, and Tenements, ſhould be aſſenting or agreeing to the aforeſaid Recoveries, where the ſame aſſent or agreements are of Record, or inrolled, as by the ſaid Act amongſt other things it appeareth: And the ſaid Warden, or Rector, and Scholars further ſay, That before the making of

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the ſaid Writing of Releaſe of the aforeſaid *Sibil*, and after the death of the aforeſaid *Richard Chamberlain*, *Nicholas Evan* Clerk, and *Thomas Hartop* Clerk, the Second Day of *June*, in the yeer of the Reign of the ſaid late King *Henry* the 8th. after the Conqueſt, the 4th. out of the Court of the *Chancery* of the ſaid late King, then being at *Weſtminſter* aforeſaid, ſued forth an Original Writ of the ſaid late King of Entry upon Diſſeiſin in the *Poſt*, againſt the aforeſaid *Edward Chamberlain*, of the Mannors aforeſaid with the appurtenances, to the then Sherifs of the County of *Buckingham* directed, the ſaid *Edward*, then being Tenant of the Freehold of the ſaid Mannors with the appurtenances, By which Writ, the ſaid late King commanded the ſaid Sherif, That the ſaid Sherif ſhould command the ſaid *Edward Chamberlain*, by the name of *Edward Chamberlain Eſquire*, that juſtly and without delay he render to the aforeſaid *Nicholas Evan*, and *Thomas Hartop* Clerk, The Mannors aforeſaid with the appurtenances amongſt other, by the names of the Mannors of *Petteſho*, and *Eckney* with the appurtenances, and of 6. Meſſuages, 200. Acres of Land, 20. Acres of Meadow, 200. Acres of Paſture, and 100. ſhillings of Rent, with the appurtenances, in *Petteſho*, *Eckney*, and *Emberton*, which the ſaid *Nicholas*, and *Thomas*, then claimed to be their Right and Inheritance, and into which the ſaid *Edward Chamberlain* had not entry, but after the diſſeiſin which *Hugh Hunt*, thereof unjuſtly, and without Judgement did to the aforeſaid *Nicholas Evan*, and *Thomas Hartop*, after the firſt paſſage of the Lord King *Henry*, Son of King *John*, into *Gaſcoign* as they ſaid, and whereupon they complained, the ſaid *Edward Chamberlain*, did them diſſeiſe, And if the aforeſaid *Nicholas*, and *Thomas Hartop*, ſecure him the ſaid Sherif, to proſecute their Claim, Then he ſummon by good ſummoners, the aforeſaid *Edward Chamberlain*, that he ſhould be before the Juſtices of the ſaid late King *Henry* the 8th. here, that is to ſay, at *Weſtminſter* aforeſaid, in the Morrow of St. *John* the *Baptiſt*, then next following, to ſhew, why he did not do it, And that he have, then here, the ſummons, and that Writ, At which Morrow of St. *John* the *Baptiſt*, before *Robert Read Kt.* and his Companions, then Juſtices of the ſaid late King *Henry* the 8th. of the Bench here, that is to ſay, at *Weſtminſter* aforeſaid, came aſwell the aforeſaid *Nicholas Evan*, and *Thomas Hartop*, by *John Cowper* then their Attorny, as the aforeſaid *Edward Chamberlain*, by *Thomas Palmer*, then his Attorny. And the Sherif, that is to ſay, *Ralph Verney Eſq.* then returned here the Writ aforeſaid, in all things ſerved and executed, that is to ſay, that the aforeſaid *Nicholas*, and *Thomas*, found to the then Sherif ſureties to proſecute his Sute aforeſaid, that is to ſay, *John Doo*, and *Richard Roo*; And that the aforeſaid *Edward Chamberlain*, was ſummoned by *John Den*, and *Richard Fen*: And upon this the ſaid *Nicholas Evan*, and *Thomas Hartop*, by declaring againſt the ſaid *Edward Chamberlain*, upon the Writ aforeſaid, Demanded againſt the ſaid *Edward Chamberlain*, The Mannors, Tenements, and Rents aforeſaid with the appurtenances, as their Right and Inheritance, and in which the ſaid *Edward Chamberlain* had not Entry, but after the firſt paſſage of the Lord King *Henry*, Son of King *John*, into *Gaſcoign*, *&c.* And whereupon, then they ſaid, that they themſelves were ſeiſed of the Mannors, Tenements, and Rents aforeſaid, in their Demeſn as of Fee and Right, in the time of Peace, in the time of the ſaid late King *Henry* the 8th. taking thereof the Profits to the value, *&c.* And unto which, *&c.* And thereof then they brought ſute, *&c.* And the aforeſaid *Edward Chamberlain*, by the aforeſaid *Thomas Palmer* his Attorny, then de-

defended his right when, &c. And then vouched thereof to warranty, *Thomas Fish*, who was then present in Court in his proper person, and willingly, the Mannors, Tenements, and Rents aforesaid to him did warrant, and thereupon, the said *Nicholas Evan*, and *Thomas Hartop*, demanded against him the said *Thomas Fish*, then Tenant by his Warranty, The Mannors, Tenements, and Rents aforesaid with the appurtenances, in form aforesaid, &c. And whereupon they then said, That they were seised of the Mannors, Tenements, and Rents aforesaid with the appurtenances amongst other things, in their Demesn as of Fee and Right, in the time of Peace, in the time of the aforesaid late King *Henry* the 8th. taking the profits thereof to the value, &c. And the aforesaid *Thomas Fish*, Tenant by his Warranty aforesaid, then defended his Right when, &c. And then prayed licence thereof to imparl, and had it, &c. And afterwards, the very same Term, the aforesaid *Nicholas Evan*, and *Thomas Hartop*, returned back here into the Court aforesaid, of the said late King *Henry* the 8th. by their Attorny aforesaid, and the aforesaid *Thomas Fish*, Tenant by his warranty aforesaid, did not come back, but in despite of Court departed and made default, Therefore then it was granted by the aforesaid Court here, That the aforesaid *Nicholas Evan*, and *Thomas Hartop*, should recover their seisin against the said *Edward Chamberlain*, of the Mannors, Tenements, and Rents aforesaid with the appurtenances, and that the said *Edward* should have of the Lands of the aforesaid *Thomas Fish* to the value, and that the said *Thomas Fish* should be in mercy, &c. as by the Record and Processe thereof here in Court remaining, more fully appeareth. Which Recovery, in form aforesaid had, was had to the use and to the intent, That the aforesaid *Nicholas Evan*, and *Thomas Hartop*, of the Mannors aforesaid with the appurtenances, should enfeoff the aforesaid *Richard Lyster*, *Martin*, *John Cotterford*, *John Clayton*, *William Hogeson*, and *Robert Taylor*, To have and to hold to them and their Heirs for ever: By Colour of which Recovery, The aforesaid *Nicholas Evan*, and *Thomas Hartop*, into the Mannors aforesaid with their appurtenances entred, and were thereof seised in their Demesn as Fee, and so being thereof seised, The said *Nicholas*, and *Thomas Hartop*, of the said Mannors with the appurtenances, did enfeoff the aforesaid *Richard Lyster*, *Martin Livsey*, *John Cotterford*, *John Clayton*, *William Hogeson*, and *Robert Taylor*, To have and to hold to them and their Heirs for ever: By virtue of which Feoffment, the said *Richard Lyster*, *Martin*, *John Cotterford*, *John Clayton*, *William Hogeson*, and *Robert Taylor*, were seised of the same Mannors with the appurtenances, in their Demesn as of Fee, and so thereof being seised, The aforesaid *Sibil*, in the life of the said *Edw.* for the better security of the said *Richard Lyster*, *Martin*, *John Cotterford*, *John Clayton*, *William Hogeson*, and *Robert Taylor*, in the Mannors aforesaid with the appurtenances, according to Agreement between the same *Edward* and *Sibil*, first before the aforesaid Recovery had by her Writing aforesaid of Release, Remised, and Released to the aforesaid *Richard Lyster*, *Martin*, *John Cotterford*, *John Clayton*, *William Hogeson*, and *Robert Taylor*, all her Right, Claim, Title, State, Use, Interest, and demand of and in the Mannors aforesaid with the appurtenances, in manner and form, as they above have alleged. And this they are ready to aver, Whereupon they demand Judgement, And that the said *Robert Chamberlain*, from having his Action aforesaid, against them be barred. And the aforesaid *Robert Chamberlain*, By Protestation taking it, That the Recovery aforesaid, was not had,

had to the uſe and intent, That the aforeſaid *Nicholas Evan*, and *Thomas Hartop*, ſhould infeoff the ſaid *Richard Lyſter*, *Martin*, *John Cotteſford*, *John Clayton*, *William Hogeſon*, and *Robert Taylor*, of the Mannors aforeſaid with the Appurtenances; By Proteſtation alſo, that the aforeſaid *Nicholas Evan*, and *Thomas Hartop*, did not infeoff the foreſaid *Richard Lyſter*, *Martin*, *John Cottesford*, *John Clayton*, *William Hogeſon*, and *Robert Taylor*, of the Mannors aforeſaid with the Appurtenances, By Proteſtation alſo, That the aforeſaid *Sibil*, for the better ſecurity of the aforeſaid *Richard Lyſter*, *Martin*, *John Cottesford*, *Iohn Clayton*, *William Hogeſon*, and *Robert Taylor*, in the Mannors aforeſaid with the Appurtenances, according to Agreement between them the ſaid *Edward* & *Sibil*, firſt before the aforeſaid Recovery above ſuppoſed to be had, by her Writing of Releaſe aforeſaid, did not remiſe and releaſe to the aforeſaid *Richard Lyſter*, *Martin*, *Iohn Cottesford*, *Iohn Clayton*, *William Hogeſon*, and *Robert Taylor*, as the aforeſaid Warden or Rector and Scholars, above in their Rejoynder have alleged, By Proteſtation alſo, That the aforeſaid *Edward Chamberlain*, at the day of the bringing of the Original Writ of the ſaid *Nicholas Evan*, and *Thomas Hartop*, out of the Court of the *Chancery*, of the aforeſaid late King *Henry* the 8th. that is to ſay, the ſecond day of *Iune*, in the yeer of the Reign of the ſame late King, the 4th. or ever after was Tenant of the Freehold of the Mannors aforeſaid with the Appurtenances, For Plea, The ſaid *Robert Chamberlain* ſaith, That the aforeſaid Plea, of the aforeſaid Warden, or Rector, and Scholars, above by Rejoynder pretended, is not ſufficient in Law to bar him the ſaid *Robert*, from having his Action aforeſaid, againſt the aforeſaid Warden, or Rector, and Scholars, aſwel for that that the Rejoynder is a Departure from the aforeſaid Barr of them the Warden, or Rector, and Scholars, as for want of ſufficient matter in the ſaid Rejoynder contained; And this he is ready to aver, wherefore, for want of a ſufficient Rejoynder of the ſaid Warden, or Rector, & Scholars, in this part. The ſaid *Robert Chamberlain*, as at firſt, demandeth Judgement & ſeiſin of the Mannors aforeſaid with the Appurtenances to him to be adjudged, *&c.* And the Warden, or Rector, & Scholars, in as much as they ſufficient matter in Law to bar the aforeſaid *Robert* from having his Action aforeſaid againſt them the Warden, or Rector, and Scholars, above by rejoyning have alleged, which they are ready to aver, which matter the aforeſaid *Robert* doth not deny, nor to the ſame any wayes Anſwereth, ſo to admit of the ſame averment altogether refuſed, as at firſt demand Judgement, And that the aforeſaid *Robert Chamberlain*, to have his Action aforeſaid be barred: And becauſe the Juſtices here will aviſe themſelves of and upon the premiſes, before that they give their Judgement thereof, Day is given to the parties aforeſaid here, untill in 8. dayes of St. *Hillary*, to hear their Judgement, becauſe that the ſaid Juſtices here therof not yet, *&c.* At which Day, come aſwell the aforeſaid *Robert*, as the aforeſaid Warden, or Rector, & Scholars, by their Attornies aforeſaid, And becauſe the Juſtices here, will further aviſe themſelves of & upō the premiſes, before they give their Judgement thereof, Day further is given to the parties aforeſaid, here until from the day of *Eaſter*, in 15. Dayes, to hear their Judgment therof, becauſe the ſaid Juſtices here thereof are not yet, *&c.* At which day, here come aſwell the aforeſaid *Robert*, as the aforeſaid Warden, or Rector, and Scholars, by their Attornies aforeſaid: And becauſe the Juſtices here, will further aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, further Day is given to the parties aforeſaid here until in the Morrow of the *Holy Trinity*, to hear their Judgement

ment thereof, becauſe the ſaid Juſtices here are thereof not yet. At which Day, here come aſwell the aforeſaid *Robert*, as the aforeſaid Warden, or Rector, and Scholars by their Attornies aforeſaid, and becauſe the Juſtices here will further aviſe themſelves of & upon the Premiſes, before they give their Judgement thereof, further day is given to parties aforeſaid here, until in 8. dayes of St. *Michael*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof are not yet, *&c.* At which day, here come aſwell the aforeſaid *Robert*, as the aforeſaid Warden, or Rector, and Scholars, by their Attornies aforeſaid; And upon this the premiſes being ſeen, and by the Juſtices here fully underſtood, It ſeemeth to the ſame Juſtices here, That the Plea of the aforeſaid Warden, or Rector, and Scholars, above by Rejoynder pretended, is ſufficient in Law, to barr the ſaid *Robert* to have his Action aforeſaid, againſt the aforeſaid Warden, or Rector, and Scholars; Therefore it is granted, That the aforeſaid *Robert* take nothing by his Writ aforeſaid, & that he be in Mercy for his falſe Clamour; And that the aforeſaid Warden, or Rector, and Scholars, go thereof without Day, *&c.*

Indictment.

At the Seſſions of Gaol Delivery at *Newgate*, 5to. *Decembris*, in the 8th Year of King JAMES, *Machalleys* Caſe, *Co. 9. part. fol. 61. b.*

AT the Seſſions of Gaol Delivery of *Newgate*, holden for the City of *London*, at the Juſtice Hall in the *Old Baily*, in the Pariſh of St. *Sepulchre* without *Newgate*, in the Suburbs of the ſaid City, upon *Wedneſday* the 5th. day of *December*, in the yeer of the Reign of the Lord *James*, by the Grace of God, of *England*, *France*, and *Ireland* King, Defender of the Faith, the 8th. and of *Scotland*, the 44th. Before *William Craven Knight*, Mayor of the City aforeſaid, *Thomas Flemming Knight*, Chief Juſtice of the ſaid Lord the King, to Pleas before the King himſelf to be holden aſſigned, *George Snigg Knight*, one of the Barons of the *Exchequer* of the ſaid Lord the King, *John Croke Knight*, one of the Juſtices of the ſaid Lord the King, to Pleas, before the King himſelf to be holden aſſigned, *Thomas Foſter Knight*, one of the Juſtices of the ſaid Lord the King of the Bench, *Edward Bromley Knight*, one of the Barons of the ſaid Lord the King of his *Exchequer* aforeſaid, *John Sotherton*, another Baron of his *Exchequer* aforeſaid, *Henry Mounntague Knight*, Recorder of his ſaid City of *London*, and other of his Companions Juſtices of the ſaid Lord the King, by Letters Patents of the ſaid Lord the King to them and others, and to any 4. or more of them thereof made, To enquire, by the Oaths of good and lawful men of the City *London*, aſwel within liberties as without, by whom the truth of the matter might beſt be known, of what Treaſons ſoever, Miſpriſions of Treaſons, Inſurrections, Rebellions, And of whatſoever, Murthers, Felonies, Man-ſlaughters, Killings, Burglaries, Miſdeeds, Offences, and Injuries whatſoever, within the City aforeſaid committed, in the ſaid Letters Patents ſpecified, and to the ſaid Treaſons, and other the premiſes, according to the Law and Cuſtom of the Kingdom of the Lord the King of *England*, to hear and determine. As alſo Juſtices of the ſaid Lord the King, to Gaol delivery of Priſoners, there being

ing aſſigned, by the Oaths of *Ralph Edmunds*, *Leonard Harwood*, *John Froſt*, *Edward Dames*, *John Lyſſant*, *Francis Barton*, *Edward Parnell*, *Thomas Hyet*, *Henry Kent*, *Edward Motley*, *Humphry Lee*, *Richard Weſtcot*, *William Fairbrother*, *Edward Fawcet*, and *Thomas Smith*, good and lawful men of the City aforeſaid, It is preſented, That whereas upon *Saturday* the 17th. day of *November*, in the yeer of the Reign of our Lord *James*, by the Grace of God, of *England*, *France*, and *Ireland* King, defender of the Faith, *&c.* the 8th. and of *Scotland* the 44th. in the Court of the Lord the King, before *Richard Pyot*, Alderman, then, and as yet one of the Sherifs of the City of *London* aforeſaid, in his *Compter*, ſituate in the Pariſh of St. *Michael* in *Woodſtreet London* aforeſaid, according to the Cuſtom of the City aforeſaid then holden, one *Robert Radford*, had leeved a certain Plaint, upon a Plea of Debt of demand of 500. hundred pounds, againſt one *John Murray*, of *London Eſq.* The Tenor of which Plaint followeth in theſe words, that is to ſay, *Iohn Murray*, ſummon againſt *Robert Radford* Salter, in a Plea of Debt upon demand 500. hundred pounds; And thereupon the aforeſaid *Robert Radford*, demanded proceſſe againſt the ſaid *Iohn Murray*, according to the Cuſtom of the City aforeſaid to be ſeved: Upon which, at the Requeſt of the ſaid *Robert Radford*, in this ſort, in the ſame Court it was proceeded. That the aforeſaid *Richard Pyot* then, and yet one of the Sherifs of the City aforeſaid, To one *Richard Fells*, then one of the Sergeants at Mace of the Sherif, and Miniſter of the Court aforeſaid, by word of mouth, according to the Cuſtom of the City aforeſaid, Commanded that he the ſaid Sergeant at Mace, ſhould take and arreſt the aforeſaid *Iohn Murray*, by his Body, if he ſhould be found within the Liberties of the City aforeſaid, ſo as he have the Body of the ſaid *Iohn Murray*, at the next Court of the ſaid Lord the King, at the *Guild-hall* of the City aforeſaid, ſituate in the Pariſh of St. *Lawrence*, in the *Old Iury*, in the Ward of *Cheap London* aforeſaid, upon *Wedneſday*, the 21. day of *November*, in the 8. and 44th. aforeſaid to be holden, to anſwer the aforeſaid *Robert Radford*, in the Plea of his Plaint aforeſaid, By virtue of which Command, The ſaid *Richard Fells*, The ſaid *Iohn Murray* afterwards, that is to ſay, the 18th. day of the ſaid moneth of *November*, in the ſaid yeers of the Lord the King that now is, the 8th. and 44th. aboveſaid, between the hour of 5. and 6. in the Afternoon of the ſame day, At *London* aforeſaid, That is to ſay, in the Pariſh of St. *Martin Bowyer Row*, in the Ward of *Farrington*, within *London* aforeſaid, in the Common Kings high Way, there by his Body took and arreſted, and then and there had in his cuſtody, And the aforeſaid *Iohn Murrey*, ſo under the cuſtody of the ſaid *Richard Fells*, by virtue of the Command aforeſaid, then and there (as before is ſaid) being, It ſo then and there happened, That the ſaid *Iohn Murray*, late of *London Eſquire*, otherwiſe called *John Murray* of *London Eſquire*, one *Iohn Mackall*, late of *London* Yeoman, otherwiſe called *Iohn Maskallay*, late of *London* Yeoman, one *Iohn Engles*, late of *London* Yeoman, otherwiſe called *Iohn Engliſh*, late of *London* Yeoman, and one *Archibald Miller*, late of *London* Yeoman, not having the Fear of God before their eyes, but moved and ſeduced by the inſtigation of the Devil, with Force and Armes, that is to ſay, with Swords, *&c.* to the intent him the ſaid *Iohn Murray*, from his arreſt aforeſaid, then and there to reſcous in and upon the aforeſaid *Richard Fells*, then & there made an aſſault & affray, in which ſaid affray, The aforeſaid *Iohn Mackall*, otherwiſe called, *Iohn Mackalley*, with a ſword is called a Rapier, made of Iron and Steel, of the value of 12. pence, wherehe the

ſaid *John Mackall*, otherwiſe called *John Mackalley* in his right hand then and there had and held, the ſaid *Richard Fells*, in and upon the left part of his Body, under the left ſhoulder-blade of the ſaid *Richard*, felonioufly, voluntarily, and of malice forethought then and there ſtruck and thruſt in, giving to the ſaid *Richard Fells*, then and there with the ſword aforeſaid, called a Rapier, in and upon the left part of his Body, under the left ſhoulder, one blow and wound mortal, of the length of half an Inch, and of bredth of half an Inch, and of depth 6. Inches, of which ſaid ſtroak, and mortal wound aforeſaid, the aforeſaid *Richard Fells* then and there, that is to ſay, in the Pariſh and Ward laſt aforeſaid, preſently dyed: And further, The Jurors aforeſaid preſent, That the aforeſaid *John Murray*, late of *London Eſquire*, otherwiſe called *John Murry*, late of *London Eſquire*, The aforeſaid *John Engles*, late of *London* Yeoman, otherwiſe called *John Engliſh*, late of *London* Yeoman, and the aforeſaid *Archibald Miller*, late of *London* Yeoman, the ſaid 18th. day of *November*, in the yeers 8th. and 44th. aboveſaid, between the Hours aforeſaid, in the Pariſh, Ward, and place laſt aforeſaid, felonionly, voluntarily, and of their forethought malice were preſent, fighting, procuring, helping, abetting, and comforting the aforeſaid *John Mackall*, late of *London* Yeoman, otherwiſe called *John Mackalley*, late of *London* Yeoman, to the aforeſaid *Richard Fells* in manner and form aforeſaid to be killed and murthered; And ſo the Jurors aforeſaid ſay, That the aforeſaid *John Mackall*, late of *London* Yeoman, otherwiſe called *John Mackalley*, late of *London* Yeoman, *John Murray*, late of *London Eſquire*, otherwiſe called *John Murry*, late of *London Eſquire*, *John Engles*, late of *London* Yeoman, otherwiſe called, *John Engliſh*, late of *London* Yeoman, and *Archibald Miller*, late of *London* Yeoman, the aforeſaid *Richard Fells*, at *London* aforeſaid, that is to ſay, in the Pariſh and Ward laſt aforeſaid, felonioufly, voluntarily, and of their forethought malice, in manner aforeſaid killed and murthered, againſt the peace of the Lord the King that now is, his Crown and dignity, *&c.* And upon this, at the ſelf ſame Seſſions before the aforeſaid Juſtices, the aforeſaid *John Murray*, otherwiſe *Murry*, *John Mackal*, otherwiſe *Mackalley*, *Io. Engles*, otherwiſe *Engliſh*, & *Archibald Miller*, in the Cuſtody of the ſaid *Richard Pyot*, and *Francis Jones*, Sherifs of the City aforeſaid, being in the Gaol of *Newgate* aforeſaid, to the barr there brought, in their proper perſons came, and ſeverally being aſked, how of the Felony and Murther aforeſaid they would acquit themſelves, Every one of them for himſelf ſeverally ſaid, that he is not thereof guilty, And thereof for good and ill, ſeverally put himſelf upon the Country; And *Richard Langley Eſq.* who in this behalf followeth for the Lord the King likewiſe; Therefore immediatly came a Jury thereof, and the Jurors of that Jury, by the Sherifs aforeſaid, of the City aforeſaid Impannelled, being called, that is to ſay, *Wil. Morgan*, *Tho. Dalbit*, *Tho. Evans*, *Tho. Auſtin*, *Solomon Green*, *Wil. Chewn*, *William Ellil*, *Metcalfe Allington*, *John Drake*, *Wil. Taylor*, *Owen Dames*, and *Tho. Damport*, appeared, who to ſpeak the truth of and upon the premiſes, choſen, tryed, and ſworn, ſay upon their Oath, That the City of *London* is, and all the time whereof the memory of men is not to the contrary, was an antient City; And that within the City aforeſaid, all the time aforeſaid, there was a Court of Record holden in the *Compter*, ſituate in the Pariſh of St. *Michael*, in *Woodſtreet* aforeſaid, before one of the Sherifs of the City aforeſaid, for the time being, And that within the City aforeſaid, there is ſuch, and from the whole time aforeſaid, there was ſuch a Cuſtom, That in the

aforeſaid

aforeſaid Court, All and ſingular perſons from the whole time aforeſaid, were uſed to levy Plaints of Pleas of Debt, amounting to whaſoever ſum againſt any perſon whomſoever, and to cauſe the ſame Plaints to be entred in a Book of the Porter of the *Compter* aforeſaid, and that from the whole time aforeſaid, there was, and is a Porter of the *Compter* aforeſaid, which Porter of the *Compter* aforeſaid, for the time being, from the whole time aforeſaid, was an Officer of one of the Sherifs of the City aforeſaid, to enter Plaints in form aforeſaid levyed in the book of the Porter of the *Compter* aforeſaid, againſt any perſon whaſoever, at the ſute of any perſon whatſoever, in Pleas of Debt, amounting to what ſum ſoever, in a certain ſhort and ſummary manner. And that the Plaints aforeſaid, in the Book of the Porter aforeſaid entred, from the whole time aforeſaid, uſed to be tranſferred and entred of Record, in the Rolls of the Court aforeſaid, in due form of Law, within reaſonable and convenient time after the entry of the ſame in the Book of the Porter aforeſaid; And that in the City aforeſaid, there is, and for the whole time aforeſaid there was a Cuſtom, That any perſon being a Sergeant at Mace of the ſaid Sherif, and Miniſter of the Court aforeſaid, at the requeſt of the party, whoſe Plaints ſo are levied of Office, it was uſed after the Entry of the ſame Plaints, in the Book of the Porter aforeſaid, aſwell before the Entry of the ſame Plaints, in the Rolls of the Court aforeſaid, as after the Entry thereof in the Rolls of the Court aforeſaid, to take and arreſt by his Body, any ſuch perſon againſt whom ſuch Plaints was levied, to anſwer to the Plaint of ſuch perſon, without any other Command by word of mouth, or otherwiſe, to ſuch Sergeant at Mace, and Miniſter of the Court aforeſaid in that behalf directed, or to be directed: And the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the aforeſaid *Saturday* the 17th day of *November*, in the yeer of our Lord, 1610. The aforeſaid *Robert Radford*, Citizen of *London*, requeſted the aforeſaid *Richard Fells*, then one of the Sergeants at Mace of the ſaid *Richard Pyot*, then one of the Sherifs of the City aforeſaid, That he the ſaid *Richard Fells* would cauſe to be levied a Plaint of Debt of 500. pounds, in the *Comptor* aforeſaid, at the Sute of the ſaid *Robert Radford*, againſt the aforeſaid *John Murray Eſquire*, and thereupon would arreſt the aforeſaid *John Murray*, to anſwer to the aforeſaid *Robert Radford*, in the Plaint aforeſaid; And the ſaid *Richard Fells* thereupon was at the ſaid *Compter*, in the Pariſh of St. *Michael* in *Woodſtreet* aforeſaid, and there the ſaid 17th. day of *November*, in 8th. and 44th. years aforeſaid, cauſed to be levied a Plaint of Debt of 500. pounds, againſt the aforeſaid *John Murray*, at the Sute of the aforeſaid *Robert Radford*, which Plaint then was entred in the Porters Book of the *Compter* aforeſaid, as in the like caſes uſually it is, and according to the Cuſtom aforeſaid in theſe words. *ſſ. John Murray Eſquire*, againſt *Robert Radford Salter*, Debt. 500. pounds, Pledges *Fleat Streat* by *Robert Fells* Sergeant: Which Plaint afterwards was entred of Record in the Rolls of the Court of the *Compter* aforeſaid, in theſe words. *ſſ. Saturday* the 17th. day of *November*, in the yeer of the Reign of King *James*, of *England*, *France*, and *Ireland*, 8th. and of *Scotland* the 44th. *John Murray Eſquire*, *S.* againſt *Robert Radford Salter*, in a Plea of Debt upon demand 500 pounds, Pledges of following the Sute, *John Fleat*, and *Richard Streat*, by *Fells* Sergeant, *&c.* But the Jurors aforeſaid, upon their Oath ſay, That the Entry aforeſaid, in the Rolls of the Court aforeſaid made, was upon *Monday* the 19th. day of *November*, in the yeers 8th. and 44th. aforeſaid, and

not before. And that the ſaid *Richard Fells*, upon *Sunday* the ſaid 18th. day of *November*, with 3. other Officers in his Company, ſtayed about the Gate called *Ludgate*, within the Liberties of the City aforeſaid, by virtue of the Plaint aforeſaid, to arreſt the aforeſaid *John Murray* ashe ſhould paſſe by: And afterwards when the ſaid *John Murray*, between the hours of 5. and 6. in the Afternoon of the ſaid 18. day of *November*, walked, and paſſed, by, and through *Ludgate* aforeſaid, in the Common Kings High-way, with 6. other Perſons in his Company (the ſaid Perſons being armed) The ſaid *Richard Fells*, then being one of the Sergeants at Mace, of the ſaid *Richard Pyot*, then one of the Sheriffs of the City aforeſaid ſworn and known, and Miniſter of the Court aforeſaid, neer *Ludgate*, in the ſaid Common Kings High-way, in the aforeſaid Pariſh of St. *Martin Bowyer Row*, in the aforeſaid Ward of *Farrington* within *London* aforeſaid, came to the ſaid *John Murray*, and him the ſaid *John* then and there within the Armes of the ſaid *Richard*, by virtue of the premiſes took and held, and to the ſaid *John Murray*, as in the words following preſently ſaid; I, him the ſaid *Richard Fells* meaning, Arreſt you, meaning the ſaid *J. Murray*, in the Kings Name, at the ſute of Mr. *Radford*, the ſaid *R. Radford*, in the Plaint aforeſaid named, meaning: But the ſaid Jurors ſay, That the aforeſaid *Richard Fells*, at the time of the Arreſt aforeſaid, did not ſhew to the ſaid *John Murray* any Warrant, or his Mace, but ſay, That the aforeſaid *Richard Fells*, then carried and had at the back of the ſaid *Richard*, his Mace, and that none of the Officers aforeſaid who came in the Company of the ſaid *Richard Fells*, any Weapen then had, And the ſaid *John Murray* looking about him, and ſtriving with the ſaid *Richard Fells*, then and there ſaid to thoſe perſons who came in the Company of the ſaid *John Murray*, in theſe Engliſh words; Draw, Draw Rogues, upon which the ſaid *John Mackal*, otherwiſe *Mackalley*, and *John Engles*, otherwiſe *Engliſh*, then and there being in the Company of the ſaid *John Murray*, drew their Rapiers, And the ſaid *Richard Fells*, then being fallen upon the ground, and the ſaid *Richard Fells* lying uppermoſt, The ſaid *Joh. Mackall*, otherwiſe *Mackalley*, with his Rapier drawn, run to the ſaid *Richard Fells*, then and there to reſcue the ſaid *Murray* from the Arreſt aforeſaid, and with his Sword aforeſaid, the ſaid *Richard Fells* ſtruck, and thruſt in, giving unto the ſaid *Richard Fells*, in and upon the left part of his Body, under the left ſhoulder-blade of the ſaid *Richard*, the ſtroak and mortal wound in the Indictment aforeſaid mentioned, of which wound the ſaid *Richard Fells*, then and there, that is to ſay, in the Pariſh and Ward laſt aforeſaid inſtantly dyed: And futher the Jurors aforeſaid ſay, That at the time of the Killing of the aforeſaid *Rich. Fells*, in maner and form aforeſaid, The ſaid *Jo. Murray*, and *John Engles*, otherwiſe *Engliſh*, were preſent, & aiding to the ſaid *John Mackall*, otherwiſe *Mackalley*, to him the ſaid *Richard Fells*, in manner aforeſaid to be killed; But whether upon the whole matter aforeſaid, by the Jurors aforeſaid, in form aforeſaid found, The killing aforeſaid of the ſaid *Richard Fells*, in form aforeſaid don, be Murther or not, the Jurors aforeſaid do not know, And thereof demand the Adviſe of the Juſtices and Court here, and if upon the whole matter aforeſaid, It ſhall ſeem to the Juſtices and Court here, That the aforeſaid Killing of the aforeſaid *Richard Fells* be Murder, Then the Jurors aforeſaid ſay upon their Oath aforeſaid, That the aforeſaid *John Murray*, *John Mackally*, and *John Engliſh*, are guilty, and every one of them is guilty of the Murder of the ſaid *Richard Fells*, in manner and form, as by the Indictment aforeſaid

aforeſaid againſt them it is ſuppoſed; And that they at the time of Murder aforeſaid, in form aforeſaid committed, had no Goods or Chattels, Lands or Tenements, to the knowledge of the Jurors aforeſaid: And if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the Juſtices and Court here, That the aforeſaid killing of the aforeſaid *Richard Fells*, in form aforeſaid committed, be not Murder, Then the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the aforeſaid *John Murray*, *John Mackall*, and *John Engles*, are not guilty, nor any of them is guilty, of the Murther of the aforeſaid *Richard Fells*, as they have alleged, nor for that occaſion ever with-drew themſelves, or any of them with-drew himſelf: And if upon the whole matter aforeſaid, in form foreſaid found, It ſhall ſeem to the Juſtices and Court here, That the killing of the aforeſaid *Richard Fells*, in form aforeſaid done, be Fellony or Man-ſlaughter, Then the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the aforeſaid *John Murray*, *John Mackall*, and *John Engles* are guilty, and every of them is guilty of the Felony and Man-ſlaughter aforeſaid, And that they have no goods nor Chattels, Lands or Tenements. And further, the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the aforeſaid *Archibald Miller*, in the ſaid Indictment named, of the Felony and Murder aforeſaid is not guilty, nor for that occaſion ever with-drew himſelf. Therefore it is conſidered by the Court, That the aforeſaid *Archibald Miller*, go thereof acquitted without day, *&c.* And becauſe the Court here, of giving their Judgement of and upon the premiſes, concerning the aforeſaid *John Murray*, *John Mackall*, and *John Engles*, are not yet aviſed, Day is given to the aforeſaid *John Murray*, *John Mackall*, and *John Engles*, until the next Seſſions of Gaol Delivery aforeſaid, for the aforeſaid City to be holden, under the Cuſtody of the aforeſaid Sheriffs, in the mean while committed ſafely to be kept, for to hear their Judgement thereof, *&c.* And becauſe the Juſtices aforeſaid are not yet, *&c.*

Indictments.

The Record of the Conviction of *Carliel*, and others.

The Lord *Sanchars* Caſe, *C.* 9. part. fol. 114.

THE Inquiſition taken at the Seſſions of the Peace of the Lord the King for the City of *London*, at the *Guild-hall* of the City of *London* aforeſaid, upon *Wedneſday* the 27th. day of *May*, In the yeer of the Reign of our Lord *Iames* by the Grace of God of *England*, *France*, and *Ireland* King, Defender of the Faith, *&c.* the 10th. and of *Scotland* the 45th. before *James Pemberton Knight*, Mayor of the City of *London* aforeſaid, *Stephen Soan Knight*, *John Garrad Knight*, *Thomas Bennet Knight*, *Thomas Low Knight*, *Henry Row Knight*, and *Henry Mountague Knight*, one of the Sergeants at Law of the Lord the King, and Recorder of the ſaid City, Juſtices of the ſaid

ſaid Lord the King to the Peace in the City aforeſaid to be kept, As alſo to divers Felonies, Treſpaſſes, and miſdeeds in the ſaid City committed, to hear & determine aſſigned, by the oaths of *William Palmer*, *John Pemberton*, *Edward Biſhop*, *John Harriſon*, *William Erbury*, *Thomas Nicholſon*, *Humphry Waterſon*, *John Woodhall*, *Zachary Healing*, *Richard Downes*, *Thomas Eagles*, *Thomas Dennis*, *Richard Taylor*, *Meredith Broughton*, and *Ralph Hanſon*, good and lawful men of the Body of the City aforeſaid, Who ſay upon their Oath aforeſaid, That *Robert Carliel*, late of *London* Yeoman, and *John Irweng*, late of *London* aforeſaid Yeoman, Not having God before their Eyes, but moved and ſeduced by the Inſtigation of the Devil, The 11th. day of *May*, in the yeer of the Reign of our Lord *James*, by the Grace of God of *England*, *France*, and *Ireland* King, Defender of the Faith, &c. and of *Scotland* the 45th. at *London* aforeſaid, that is to ſay, in the Pariſh of St. *Dunſton* in the Eaſt, in the Ward of *Farrington* without *London* aforeſaid, with force and Armes, &c. Felonioufly on their fore-though Malice in and upon one *John Turner*, then and there being in the Peace of God, and of the ſaid Lord the King, made an aſſault and an affray: And the aforeſaid *Robert Carliel*, a certain Gun, called a Piſtol, of the value of 5. ſhillings, then and there charged with Gunpowder, and one leaden Bullet, which Gun, the aforeſaid *Robert Carliel*, in his Right Hand then and there had, and held, in and upon the aforeſaid *John Turner*, then and there Felonioufly, voluntarily, and of his fore-thought Malice did ſhoot off and diſcharge. And the aforeſaid *Robert Carliel*, with the leaden Bullet aforeſaid, from the Gun aforeſaid then and there ſent out, the aforeſaid *John Turner*, in and upon the Left part of the Body of him the ſaid *John Turner*, neer the Left Papp of the ſaid *John Turner*, then and there felonioufly ſtruck, giving to the ſaid *John Turner*, then and there with the leaden Bullet aforeſaid, out of the Gun aforeſaid, then and there ſent out, in and upon the aforeſaid Left part of the Body of the ſaid *John Turner*, neer the aforeſaid Left Papp of the ſaid *John Turner* one mortal Wound, of the Bredth of half of one Inch, and in the Depth of 5. Inches, of which mortal Wound, the aforeſaid *John Turner*, at *London* aforeſaid, in the Pariſh and Ward aforeſaid inſtantly dyed, And that *James Irweng* Felonioufly, and of his fore-thought Malice then and there was preſent, adjoyning, aſſiſting, abbetting, comforting, and maintaining the aforeſaid *Robert Carliel*, to the Felony and Murder aforeſaid, in form aforeſaid Felonioufly to be done and committed; And ſo the Jurors aforeſaid, upon their Oath aforeſaid ſay, That the aforeſaid *Robert Carliel*, and *James Irweng*, the aforeſaid *John Turner* at *London* aforeſaid, in the Pariſh and Ward aforeſaid, in manner and form aforeſaid, Felonioufly, Voluntarily, and of their fore-thought Malice did kill and murder, contrary to the Peace of the Lord the King that now is, his Crown and Dignity, &c. And afterwards, That is to ſay, at the Gaol Delivery of the Lord the King at *Newgate*, holden by the City of *London* aforeſaid, at the Juſtice Hall, ſituate in the *Old Baly*, in the Pariſh of St. *Sepulcher*, in the Ward of *Farrington* without *London* aforeſaid, the 23d. day of *June*, in the yeer of the Reign of the ſaid our Lord *James*, by the Grace of God of *England*, *France*, and *Ireland* the 10th. and of *Scotland* the 45th. before *James Pemberton Knight*, Mayor of the City of *London* aforeſaid, The right Reverend Father in God, *John* Biſhop of *London*, *Thomas Flemming Knight*, Lord Chief Juſtice of the Lord the King to Pleas, before the King himſelf to be holden aſſigned, *Edward Coke Kt.* Chief Juſtice of the ſaid Lord

the

the King, of the Bench, *Lawrence Tanfeild Knight*, Chief Baron of the *Exchequer* of the Lord the King, *Chriſtopher Telverton Knight*, one of the Juſtices of the ſaid Lord the King to Pleas, before the King himſelf to be holden aſſigned, *David Williams Knight*, another of the Juſtices of the ſaid Lord the King to Pleas, before the King himſelf to be holden aſſigned, *John Croke Knight*, another of the Juſtices of the ſaid Lord the King to Pleas, to be holden before the King himſelf to be holden aſſigned, *Stephen Soan Knight*, *John Garrard Knight*, *Thomas Bennet Knight*, *Baptiſt Hicks Knight*, *Francis Bacon*, Solicitor General of the Lord the King, *Henry Mountague Knight*, one of the Kings Serjeants at Law, and Recorder of the City of *London* aforeſaid, and other their Fellows Juſtices of the Lord the King, To his Gaol aforeſaid of Priſoners, in the ſame being to be delivered aſſigned, The aforeſaid *Robert Carliel*, and *James Irweng*, under the cuſtody of *Edward Barkham*, and *George Smythes*, Sherifs of the City aforeſaid, to the Barr aforeſaid brought, in their proper perſons came, and ſeverally being aſked, how of the Felony and Murder aforeſaid they would acquit themſelves, The ſaid *Robert Carliel* ſaith, That he cannot deny, but that he is guilty of the Felony and Murder aforeſaid, to him in form aforeſaid impoſed, and the Felony and Murder aforeſaid expreſly confeſſeth, and thereof putteth himſelf upon the Mercy of the King; and the aforeſaid *James Irweng* ſaith, That he of the Felony and Murder aforeſaid, to him in form aforeſaid impoſed, is not guilty, and thereof for good and ill puts himſelf upon the Country. Therefore immediately he cauſe a Jury to come, *&c.* And the Jurors of the Jury aforeſaid, by the aforeſaid Sherifs of the City aforeſaid, to this impannelled being called, that is to ſay, *Humphry Slacy*, *William Morgan*, *Rouland Healing*, *Hugh Haweſh*, *Henry Colthurſt*, *William Hicks*, *William Hayes*, *Richard Bridges*, *William Wilde*, *John Palmer*, *Solomon Green*, and *Richard Rudd*, came, who to ſay the truth of and upon the premiſes, to the ſaid *Iames Irweng* impoſed, choſen, tryed, and ſworn, ſay upon their Oath aforeſaid, That the aforeſaid *John Irweng* is guilty of the Felony and Murder, to him in form aforeſaid impoſed, in manner and form, as by the indictment aforeſaid againſt them it is ſuppoſed; And that he, the time of the Felony and Murder aforeſaid, in form aforeſaid committed, or ever after had no Goods or Chattels, Lands or Tenements, to the knowledge of the Jurors aforeſaid: Upon which, the ſaid *Robert Carliel*, and *Iames Irweng* being ſeverally ſpoken unto, If they had any thing for themſelves, or could ſay, Wherefore the Court aforeſaid, to Judgement and Execution of them and either of them of the premiſes ought not to proceed, who ſaid nothing, but what at firſt they had ſaid, Upon which, then and there, It is conſidered by the ſaid Juſtices, That the aforeſaid *Robert Carliel*, and *James Irweng*, to the Gaol of *Newgate* aforeſaid from whence they came ſhould be ſent back, and thence be lead, and either of them be lead unto the place of Execution, and there be hanged, and either of them be hanged, until, *&c.*

The

The Indictment of *Robert Creighton*, Eſq.

Middle. THE Jurors preſent, for the Lord the King upon their Oath, That whereas *Robert Carliel* late of *London* Yeoman, and *James Irweng* late of *London* Yeoman, Not having God before their Eyes, but ſeduced by the inſtigation of the Devil, the 11th. day of *May*, in the yeer of the Reign of our Lord *James* by the Grace of God, of *England*, *France*, and *Ireland* King, Defender of the Faith, *&c.* and of *Scotland* the 45th. at *London*, that is to ſay, in the Pariſh of St. *Dunſton* in the Weſt, in the Ward of *Farrington* without *London* aforeſaid, *&c.* with Force and Armes, *&c.* Felonioufly, and of their fore-thought Malice, in and upon one *John Turner*, then and there in the Peace of God, and of the ſaid Lord the King being, made an Aaſſult and Affray, And the aforeſaid *Robert Carliel*, a certain Gun called a Piſtoll, of the value of 5. ſhillings, then and there charged with Gunpowder, and one leaden Bullet, which Gun, the ſaid *Robert Carliel*, in his Right Hand then and there had, and held, in and upon the aforeſaid *John Turner*, then and there Felonioufly, Voluntarily, and of his Malice fore-thought, did ſhoot off and diſcharge, And the aforeſaid *Robert Carliel*, with the leaden Bullet aforeſaid, from the Gun aforeſaid, then and there ſent out, the aforeſaid *Iohn Turner*, in and upon the left part of the Body of him the ſaid *Iohn Turner* then and there Felonioufly ſtruck, giving to the ſaid *Iohn Turner*, then and there with the leaden Bullet aforeſaid, neer the left papp of him the ſaid *Iohn Turner*, one mortal Wound, of the Breadth of half an inch, and Depth of 5. inches, of which mortal Wound, the aforeſaid *Iohn Turner* at *London* aforeſaid, in the Pariſh and Ward aforeſaid, inſtantly dyed, And that *James Irweng*, Felonioufly, and of his fore-thought Malice then and there was preſent, ayding, aſſiſting, abetting, comforting and maintaining the aforeſaid *Robert Carliel*, to the Felony and Murder aforeſaid, in form aforeſaid to be done and committed, And ſo the aforeſaid *Robert Carliel*, and *James Irwenge*, the aforeſaid *John Turner*, at *London* aforeſaid, in the Pariſh and Ward aforeſaid, in manner and form aforeſaid, Felonioufly, Voluntarily, and of their fore-thought Malice killed and Murdered, againſt the Peace of the Lord the King that now is, his Crown and Dignity, one *Robert Creighton*, late of the Pariſh of St. *Margaret* in the County of *VVeſtminſter* Eſquire, not having God before his Eyes, but being ſeduced by the Inſtigation of the Devil, before the Felony and Murder aforeſaid, by the aforeſaid *Robert Carliel*, and *James Irweng*, in manner and form aforeſaid done and committed, that is to ſay, the 10th. day of *May*, in the yeer of the Reign of our Lord *James* by the Grace of God of *England*, *France*, and *Ireland* King, Defender of the Faith, the 10th. and of *Scotland* the 45th. the aforeſaid *Robert Carliel*, at the aforeſaid Pariſh of St. *Margaret* in *Weſtminſter* aforeſaid, in the County of *Middleſex* aforeſaid, to the Felony and Murder aforeſaid, in manner and form aforeſaid, done and committed, Maſitioufly, Felonioufly, Voluntarily, and of his fore-thought Malice, did ſtir up, abet, counſel, and procure, againſt the Peace of the ſaid Lord the King that now is, his Crown and Dignity, *&c.*

By Indictments, *Trinitat.* 10. of King *James.*

Information.

Information.

In the remembrances of the *Exchequer*, of the 34th. yeer of Queen *Elizabeth*, that is to ſay, Amongſt the Records of the Term of St. *Hillary*, in the year aforeſaid, *Rot* 149. remaining in the *Exchequer*, in the Cuſtody of the Queens Remembrancer there, amongſt other things, it is contained, thus,

Porters Caſe, *C.* 1. part. fol. 16. *b.*

Memorandum, That *John Popham* Eſquire, the Queens Attorny General, who followeth for the Lady the Queen being preſent in this Court the 3d. day of *February*, for the Queen gave the Court to underſtand and be informed, That whereas, All that the Key and Wharf, called the *Old Woolkey*, and all Meſſuages, Buildings, Lands, Advantages, Commodities, and Profits, to the ſame any way belonging, or appertaining, ſituate and being in the Pariſh of *All Saints Barking*, in the City of *London*, in the hands and poſſeſſion of the ſaid Lady the Queen that now is, the 26 h. day of *Ianuary* in the year of her Reign the 34th. and long before were and ſtood, and of Right ought to be, as in the Right of her Crown of *England*, as in very many Records, Rolls, and Remembrances of this *Exchequer*, it more fully appeareth of Record; Yet one *Iohn Porter Fiſhmonger*, and *Henry Cockain*, the Lawes of the ſaid Lady the Queen that now is, little regarding, but indending the diſſenheriſin of the Lady the Queen in the premiſes, with Force and Armes, *&c.* the aforeſaid 26th. day of *January*, in the 34th. yeer aforeſaid, in and upon the poſſeſſion of the ſaid Lady the Queen that now is of the Premiſes, Entred, Intruded, and made Entry, And the iſſues and profits thereof ariſing took and had to their own uſes, and do yet take and have, the Treſpaſſe aforeſaid hitherto and yet continuing, in contempt of the ſaid Lady the Queen, and contrary to her Lawes. Whereupon the aforeſaid Attorny General, of the ſaid Lady the Quen that now is, for the ſaid Lady the Queen prayeth the adviſe of the Court in the premiſes: And that the aforeſaid *Iohn Porter*, and *Henry Cockain*, come here to anſwer the ſaid Lady the Queen in the premiſes: Upon which, *&c.* And the aforeſaid Sheriſs of the ſaid City of *London*, that they attatch the ſaid *John* and *Henry*, in form aforeſaid, ſo as, *&c.* in 8. dayes of the *Purification* of the bleſſed *Mary* the Virgin this Term: Before which day, that is to ſay, the 4th. day of *February*, The aforeſaid *John Porter*, here in Court found, and of the premiſes by the Barons here be ſpoken to of the premiſes, is committed to the Priſon of the Lady the Queen of the *Fleet*, there to ſtay, until, *&c.* And preſently the ſame day brought hither to the bar by the Warden of the Priſon aforeſaid, by favour of the Court was let to bail to *Henry Cockain* of the Pariſh of *All Saints Barking*, and *Robert Dodd* of the Pariſh of St. *Buttolph*, without *Algate London*, that is to ſay, to every of them *Lond. ſſ.*

Body for Body, untill the next day, and ſo from day to day, and from Term to Term, untill', *&c.* By Colour of which Bail, the ſaid *John Porter*, from the Priſon aforeſaid is delivered, And thereupon came then here, the ſaid *John Porter*, and *Henry Cockain*, that is to ſay, the ſaid *John Porter* in his proper perſon, and the aforeſaid *Henry Cockain*, by *Arthur Salway*, his Attorny ſpecially admitted by the favour of the Court. And pray, *&c.* the hearing of the Information aforeſaid: And it is read unto them; Which being read, and by them underſtood, The ſaid *John Porter* and *Henry* complain them to be by colour of the premiſes in the Information ſpecified, to be grievouſly troubled and inquieted, and that not juſtly, For taking it by Proteſtation, that the Information aforeſaid, and the matter in the ſame contaned, is not ſufficient in Law, To which they have not neceſſity by the Law of the Land to Anſwer, Yet for Plea, as to the Force and Armes, and what is contrary to the Peace of the ſaid Lady the Queen, or in contempt of the ſaid Lady the Queen, The ſaid *John Porter*, and *Henry* ſay, in nothing thereof they are guilty, nor any of them is guilty. And of this they put themſelves upon the Country: And the aforeſaid Attorny General likewiſe, and as to the Entry, Intruſion, and ingreſſe in all that the aforeſaid Key and Wharf, called the *Old Woolkey*, and the aforeſaid Meſſuages, Buildings, and other premiſes with the appurtenances, in the Information above ſpecified ſuppoſed to be done, The ſaid *John Porter*, and *Henry* ſay, That the ſaid Lady the Queen that now is, them the the ſaid *John Porter*, and *Henry*, or any of them thereof ought not to trouble: Becauſe they ſay, That long before the aforeſaid 26th. day of *January*, in the ſaid Information mentioned, One the Lady *Avice Knevet* Widow, late the Wife of *Nicholas Gibſon* of *London Grocer*, was ſeized of and in all that aforeſaid Key and Wharf, and other the premiſes with the appurtenances, in the ſaid Information ſpecified, in her demeſn as of Fee, And ſo being ſeiſed, The ſaid Lady *Avice* before the time in which it is ſuppoſed the Entry, Intruſion, and Ingreſſe to be done, that is to ſay, the 13th. day of *April*, in the Reign of the Lord *Edward*, late King of *England* the Sixth, at *London*, in the Pariſh of *All Saints Barking* aforeſaid, in the Ward of the Tower of *London*, Demiſed all that the aforeſaid Key and Wharf, and other the premiſes with the appurtenances, to one *Bartholmew Gibbs*, To have to him and his Aſſignes, from the Feaſt of the Birth of our Lord, in the yeer of our Lord, 1566. from thence next inſuing, unto the end and Term of 40. yeers, from thence next following and fully to be ended; By virtue of which Demiſe, the aforeſaid *Bartholmew*, after the aforeſaid Feaſt of the Birth of our Lord, in the aforeſaid yeer of our Lord, 1566. and before the aforeſaid time in which, *&c.* entred, and was thereof poſſeſſed, and ſo being thereof poſſeſſed, The ſaid *Bartholmew*, before the time in which, *&c.* that is to ſay, the Firſt Day of *January*, in the yeer of our Lord, 1552. at *London* aforeſaid, in the Pariſh and Ward aforeſaid, made his Teſtament and Laſt Will in Writing, and of the ſame his Teſtament and Laſt Will made and conſtituted one *Alice* his then Wife his Executrix, And afterwards the ſaid *Bartholmew*, the ſame Day and Yeer there dyed, of all the aforeſaid Key and Wharf, and other the premiſes with the appurtenances poſſeſſed, After whoſe Death, and before the time in which, *&c.* the ſame *Alice*, taking upon her the Charge and Execution of the Teſtament and Laſt Will aforeſaid, in all the aforeſaid Key and Wharf, and other the premiſes with the appurtenances entred, and was thereof poſſeſſed, and ſo being

being thereof poſſeſſed, The ſame *Alice*, before the time in which, &c. that is to ſay, the 4th. day of *May*, in the yeer of the Reign of the late Queen *Mary*, the Firſt, at *London*, in the Pariſh and Ward aforeſaid, took to Huſband one *Thomas Wilcox*, by which the ſaid *Thomas*, and *Alice*, in the right of the ſaid *Alice*, were of all that the aforeſaid Key and Wharf, and of other the premiſes with their appurtenances poſſeſſed, And ſo thereof being poſſeſſed, The ſaid *Thomas Wilcox*, and *Alice*, before the time in wch, that is to ſay, the 16th. day of *November*, in the yeers of the Reign of the Lord *Philip*, and the Lady *Mary*, late King and Queen of *England*, the Firſt and Second, at *London*, in the Pariſh and Ward aforeſaid, by their Writing ſealed with their ſeals, and here into Court brought, whoſe Date is the ſame Day and Yeer, Gave and Granted, all their Right, Title, Intereſt, and Term of Yeers, which they the ſaid *Thomas*, and *Alice*, then had to come, of and in all that the aforeſaid Key and Wharf, and the reſt of the premiſes aforeſaid with their appurtenances, by reaſon of the execution of the Teſtament of the aforeſaid *Bartholmew Gibbs* aforeſaid, to one *Iohn Haynes*; By virtue of which Gift and Grant, The ſame *John Haynes*, before the time in which, &c. into all that the aforeſaid Key and Wharf, and other the premiſes with the appurtenances entred, and was thereof poſſeſſed, & ſo being thereof poſſeſſed, the ſaid *I. Haynes*, before the time in which, &c. that is ſay, the 21. Day of *Decem.* in the Yeer of our Lord, 1559. at *Lond.* aforeſaid, in the Pariſh aforeſaid, made his Teſt. & Laſt Will in Writing, & by the ſame deviſed, and bequeathed, the premiſes to one *Joice* then his Wife, and thereof made and conſtituted, &c. *Joice*, then his Wife, his Executrix, and afterwards the ſame Day and Yeer, there of all the aforeſaid Key and Wharf, and other the premiſes with the appurtenances dyed poſſeſſed: After whoſe Death, and before the time in which, &c. the aforeſaid *Joice*, taking upon her the Charge of Execution of the Teſtament and will of the aforeſaid *John Haynes*, into all the aforeſaid Key and Wharf, and other the premiſes with the appurtenances, entred and was thereof poſſeſſed, by virtue of Execution of the ſame Teſtament and Laſt Will of the aforeſaid *John Haynes*, and ſo being thereof poſſeſſed, the ſaid *Joice* before the time in which, &c. that is to ſay, the 6th. day of *October*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 31. at *London*, in the Pariſh and Ward aforeſaid, took to Huſband the aforeſaid *John Porter*, By which, the ſaid *John Porter* was, and yet is thereof poſſeſſed: By Colour of which, the ſame *John Porter*, in his own Right, and the aforeſaid *Henry Cockain*, as Servant of the ſaid *John*, and by his Commandment, unto all the aforeſaid Key and Wharf, and other the premiſes with the appurtenances, in the ſaid Information ſpecified, the ſaid time in which, &c. Entred, and the Iſſues and Profits thereof by the whole time in the ſaid Information ſpecified took and had, and do yet take and have, as to them it was and is lawful; Without that, that the ſaid *John Porter*, in and upon the poſſeſſion of the ſaid Lady the Queen, of the aforeſaid Key and Wharf, with the appurtenances in the ſaid Information mentioned, or any part thereof intruded, or either of them did intrude, in manner and form, as in the ſaid Information above is ſuppoſed: And without that, that the aforeſaid Key and Wharf, and other the premiſes with the appurtenances in the ſaid Information mentioned, or any parcel thereof, the ſaid 26th. Day of *Ianuary*, in the Yeer 34th. aforeſaid, in the ſame Information mentioned, or ever before, or after, ſtood, or were, or

was in the Hands and poſſeſſion of the ſaid Lady the Queen that now is, in manner and form, as in the ſaid Information is before ſuppoſed. And alſo without that, that there is any Record, Roul, or Remembrance, in the Court of the *Exchequer* here, beſides the Record of the Information aforeſaid, by which it may appear the aforeſaid Key and Wharf, and other the premiſes, or any parcel thereof with the appurtenances, to be, or of Right to be, in the hands and poſſeſſion of the ſaid Lady the Queen that now is, All and ſingular which the ſaid *John Porter*, and *Henry Cockain*, are ready to aver, as the Court here, *&c.* Whereupon they pray Judgement, and that they as to the premiſes from this Court be diſmiſſed, *&c.* and each of them be diſmiſſed. And becauſe the Court will aviſe of the Plea aforeſaid, until further, *&c.* Day is given here to the aforeſaid *John Porter*, and *Henry Cockain*, in the ſame ſtate as now it is, until to 15. Dayes of *Eaſter*, at which Day, the aforeſaid *John*, and *Henry*, came here as before: And the aforeſaid *John Popham Eſquire*, Attorny General of the Lady the Queen that now is, and who followes for the ſaid Lady the Queen, preſent here in Court, the ſame Day in his proper Perſon, By Proteſtation, not acknowleging any thing in the Plea of the ſaid *John Porter*, and *Henry Cockain*, by them before pleaded, to be true, in manner and form as the ſaid *John Porter*, and *Henry Cockain*, in the Plea of the ſaid *John Porter*, and *Henry Cockain*, by them above pleaded, to be true in manner and form, as the ſaid *John Porter*, and *Henry Cockain*, in their Plea aforeſaid above have pleaded; Yet for Replication, The ſame Attorny of the ſaid Lady the Queen that now is, for the ſaid Lady the Queen, ſaith as he formerly ſaid, That the aforeſaid *John Porter*, and *Henry Cockain*, in and upon the poſſeſſion of the ſaid Lady the Queen that now is, in the aforeſaid Key and Wharf, called the *Old Woolkey*, and other the premiſes in the Information aforeſaid ſpecified, entred, intruded, and made entry in manner and form, as in the Information aforeſaid above it is alleged. And of this, The Attorny of the ſaid Lady the Queen, for the ſaid Lady the Queen prayeth, that it may be inquired of the Country; And the ſaid Defendants ſay as before, and pray likewiſe, Therefore that inquiry be made thereof, *&c.* And it is commanded to the Sheriffs of *London*, that they do not omit, *&c.* And that they cauſe to be here from *Eaſter*, in one Moneth the ſame Term, 12. free and lawful men of our Balywick, of the Neighbourhood of the Pariſh of *All Saints Barking*, in the City of *London* aforeſaid, *&c.* whereof each, *&c.* by whom, *&c.* and who neither, *&c.* And the ſame Day is given here to the ſaid *John Porter*, and *Henry Cockain*, at which day the ſaid *John*, and *Henry*, come here as before, and the Sheriffs, that is to ſay, *William Rider*, and *Benedict Burnham*, returned the Writ aforeſaid, together with the Pannel of the names of the Jurors wch are in the file of Writs executed for the Queen of the 34th. Yeer of the Reign of the ſaid Lady the Queen that now is, with the Remembrancer of *London*. And the Jurors did not appear, Therefore it was cõmanded the Sheriffs that they diſtrein the Jurors by their Lands, *&c.* So that, *&c.* in 8. Dayes of *Holy Trinity*, or in the mean time, before the Beloved and Faithful to the Lady the Queen, *Roger Manwood Knight*, Chief Baron of this *Exchequer*, at *Guild-hall* of the City of *London* aforeſaid, upon *Fryday* the 26th. day of *May*, in the Yeer of the ſaid Lady the Queen that now is, the 34th. in the Afternoon of the ſame Day, if he ſhall firſt come thither. And it is ſaid to the aforeſaid *John Porter*, and *Henry Cockain*, that they keep their Day before the aforeſaid Chief Baron, at the ſaid Day and Place,

Place, and that they be here, at the ſaid 8. dayes of *Holy Trinity*, to hear their Judgement, If, *&c.* At which day, the ſaid *John Porter*, and *Henry Cockin*, come here as before, And the aforeſaid Chief Baron, before whom delivered here, the Tenor of the Record aforeſaid, in form aforeſaid directed, which is amongſt the Inquiſitions and Extents of this Yeer of the 34th. of the Reign of the Queen that now is, with this Remembrancer indorſed thus: *ſſ.* Afterwards, that is to ſay, the Day and Place within contained, before *Roger Manwood Knight*, Chief Baron of the *Exchequer* of the ſaid Lady the Queen, came aſwell the within named *John Popham*, who proſecutes for the ſaid Lady the Queen, as the ſaid within written *John Porter*, and *Henry Cockain* in their proper perſons, and the Jurors of the Jury whereof within mention is made, being called, ſome of them appeared, and ſome of them not, as it appeareth in the Pannel, *&c.* And ſome of them now appearing, that is to ſay, *Roger Tasker*, *Humphry Street*, *George Gunbey*, *Thomas Cox*, *Thomas Langhorn*, *John Eaton*, *William Fruit*, and *John Math*, upon the Jury aforeſaid are ſworn, and becauſe the reſt of the Jurors of the Jury did not appear, therefore others of the ſtanders by, by the Sherifs of the County aforeſaid, to be choſen, at the Requeſt of the ſaid *John Popham*, and by the command of the aforeſaid Chief Baron were new put, whoſe names to the Pannel within written are filed, according to the form of the Statute in ſuch caſe late made and provided. And the Jurors ſo anew put, that is to ſay, *Thomas Wiggs*, *Henry Ayleward*, *Ralph Baily*, and *Cuthert Booth*, being called, likewiſe came, Who to the truth of the matter within contained, together with the other Jurors aforeſaid firſt impannelled, and ſworn, ſay upon their Oath, That long before the aforeſaid time of Intruſion aforeſaid above ſuppoſed to be done, One *Nicholas Gibſon*, was ſeized of and in the Wharf and Tenements aforeſaid with the appurtenances in the Information aforeſaid ſpecified, in his Demeſn as of Fee, and the Wharf and Tenements aforeſaid, held of the Lady the Queen in Socage, that is to ſay, of the free Borough of the City of *London* by fealty onely; And ſo being thereof ſeized, the ſaid *Nicholas* afterwards, and before the time of the Intruſion aforeſaid, *&c.* that is to ſay, the 23d. day of *September*, in the yeer of the Reign of the Lord *Henry*, late King of *England*, the 8th. the 32th. at *London*, in the Pariſh of St. *Dunſtans* in the Eaſt, made his Teſtament and laſt Will in Writing, and conſtituted one *Avice* then his Wife, Executrix of his ſaid Will, and by the ſaid his Will bequeathed, and deviſed, amongſt other things, the Wharf and Tenements aforeſaid, with the appurtenances, to the aforeſaid *Avice*, and her Heirs, in theſe Engliſh Words, and in form following, That is to ſay, In the name of God *Amen*, I *Nicholas Gibſon* Citizen, and Grocer of *London*, whole of Mind, and of perfect Memory, albeit ſick of Body, make this my preſent and laſt Will and Teſtament, aſwel concerning the Order and Diſpoſion of my Goods, Chattels, and other things moveable, as of my Lands and Tenemetns, Rents, Reverſions and Services, and Hereditaments whatſoever. Firſt, I give and bequeath my Soul unto Almighty God, my Maker, Redeemer, and Saviour, and my Body to be buried where it ſhall pleaſe God after the ſaid diſcretion of my well beloved Wife *Avice Gibſon*, my ſole Executrix under written, whom I put in ſpecial truſt, that ſhe ſhall ſee theſe things hereafter declared, to be well and truly executed, don, and declared, and performed, as hereafter ſhall be recited: Unto whom alſo, I give and bequeath, All my Goods, Chattels, Debts, and other things

things, as well moveable, as unmoveable, real, and perſonal, Lands and Tenements, Rents, Reverſions, Serviees, and all my other Profits and Commodities, and other Hereditaments whatſoever, with all and ſingular the appurtenances, To have, and to hold, poſſeſſe, and injoy, All and ſingular my ſaid Lands, and Tenements, Rents, Reverſions, and Services, with the appurtenances, Goods, Chattels, and other things, and all and ſingular other the premiſes with the appurtenances, unto the ſaid *Avice Gibſon*, her Heirs, Executors, Adminiſtrators, and Aſſignes, for ever, upon condition following: That is to ſay, Where it hath pleaſed God to put me the ſaid *Nicholas Gibſon* in Mind to edifie diverſe Meaſes, Manſions, and places convenient for a Free-ſchool, the Maſter of the ſame, and certain Beadmen and Beadwomen, and that the ſame cannot be eſtabliſhed to continue, without great charges to be imployed and beſtowed upon the ſame, and alſo Lands and Tenements, and other Hereditaments, to be aſſured for the continuance of the ſame, I Will and Declare, by this my laſt Will and Teſtament, That the ſaid Gift, Legacy, and bequeſt, of my Lands and Tenements, Goods, Chattels, and other things aforeſaid ſhall inure and take effect, by reaſon hereof unto my ſaid Wife, upon condition following: That is to ſay, That my ſaid Wife, by the Advice of Learned Counſel, in all convenient ſpeed after my deceaſe, ſhall aſſure, give, and grant, all my ſaid Lands and Tenements, and other Hereditaments whatſoever, for the maintainanee of the ſaid Free-ſchool, Almeſmen, and Almeſwomen for ever, if it ſhall pleaſe God that my ſaid Wife *Avice Gibſon*, ſhall have all the Iſſues, Revenewes, and Profits yeerly comming, ariſing, and growing of the premiſes during her life, bearing the charges for the keeping of the ſaid School, Beadmen and Beadwomen, and other charges for the maintainance of the premiſes, in manner and form as I the ſaid *Nicholas* have kept and maintained the ſame, and as the ſame is now kept and maintained, without any diminution in any wiſe: Which *Avice Gibſon*, I make my ſole Executrix of this my preſent Teſtament and laſt Will. Theſe being Witneſſes, *Thomas Ruſhton* Sergeant at the Law, *William Gunſton Eſquire*, *Thomas Wood* Cooper, *Thomas Reinolds* Clothworker, and *John Mucklow* Scrivener. In witneſſe whereof I have hereto put my Seal. Given the 23th. Day of *September*, in the yeer of our Lord God 1540. and in the 22d. year of the Reign of our Sovereign Lord King *Henry* the 8th. as by the ſaid Will more fully appeareth. And afterwards the ſaid *Nicholas Gibſon* at *London*, in the Pariſh of St. *Dunſtan* in the Eaſt aforeſaid, the 6th. Day of *October*, in the yeer of the Reign of the ſaid *Henry* late King of *England* the 8th. the 32th. aforeſaid dyed of ſuch his eſtate ſo ſeized, of the Wharf and Tenements aforeſaid with appurtenances, without iſſue of his Body begotten: After the death of which *Nicholas*, The aforeſaid *Avice*, in the aforeſaid Pariſh of St. *Dunſtan*, took upon her the charge of Execution of the Teſtament aforeſaid. And before the aforeſaid time of Intruſion aforeſaid ſuppoſed, that is to ſay, the 13th. Day of *April*, in the yeer of the Reign of the Lord *Edward* late King of *England* the 6th. the third, At *London*, in the Pariſh of *All Saints Barking* aforeſaid, demiſed the Wharf and Tenements aforeſaid with the appurtenances to one *Bartholmew Gibbs*, To have, and to hold, to him and his Aſſignes, from the Feaſt of the Birth of our Lord, which then ſhould be in the yeer of our Lord, 1566. until the full end of 40. yeers, from thence next following and fully ended. By virtue of which demiſe, The ſame *Bartholmew* was of the Intereſt of the Term aforeſaid

aforeſaid poſſeſſed, and ſo thereof being poſſeſſed, The ſaid *Bartholmew* before the time in which, *&c.* that is to ſay, the firſt Day of *January*, in the yeer of our Lord, 1552. at *London*, in the Pariſh of *All Saints* aforeſaid, made his Teſtament and laſt Will in Writing, and conſtituted and ordained one *Alice*, then his Wife his Executrix, of his ſaid laſt Will and Teſtament, And afterwards the ſaid *Bartholmew*, then and there dyed of ſuch his eſtate poſſeſſed, of the Wharf and Tenements aforeſaid with the appurtenances, After whoſe death, and before the time in which, *&c.* the ſaid *Alice* took upon her tharge of the Execution of the Teſtament aforeſaid, in the aforeſaid Pariſh of *All Saints*, and was of the Intereſt of the Term aforeſaid, of 40. yeers poſſeſſed, as Executrix of the Teſtament of the ſaid *bartholmew*, and ſo thereof being poſſeſſed, The ſaid *Alice*, Before the time in which *&c.* at *London* in the Pariſh of *All Saints* aforeſaid, took to Huſband one *Thomas Wilcox*, By which, The ſaid *Thomas* and *Alice*, before the time in which, *&c.* were of the Intereſt of the aforeſaid Term of 40. yeers, of and in the Wharf and Tenements aforeſaid with the appurtenances poſſeſſed, and the ſaid *Thomas* and *Alice* ſo thereof being poſſeſſed, before the time in which, *&c.* that is ſay, the 16th. Day of *December*, in the yeer of the Reign of the Lady *Mary*, late Queen of *England*, the ſecond, At *London*, in Pariſh of *All Saints Barking* aforeſaid, granted all their Eſtate, Intereſt, and Term of years, which they then had, of and in the Wharf and Tenements aforeſaid with the appurtenances, to one *Iohn Haynes*. By virtue of which Grant, The ſaid *Iohn Haynes*, was of the Intereſt of the aforeſaid Term of 40. yeers, of and in the Wharf and Tenements aforeſaid with the appurtenances poſſeſſed, And ſo thereof being poſſeſſed, The ſame *Iohn Haynes*, before the time in which, *&c.* that is to ſay, the 21. Day of *September*, in the yeer of our Lord, 1559. at *London*, in the Pariſh of *All Saints Barking* aforeſaid, made his Teſtament and laſt Will in Writing, & made & ordained one *Joyce*, his then Wife his Executrix of his ſaid laſt Will, and by the ſame his Will willed and bequeathed, all his Eſtate, Intereſt, and Term of yeers, which he then had of and in the Wharf and Tenements aforeſaid with the appurtenances to the ſaid *Joyce*. And afterwards the ſaid *John Haynes*, at *London*, in the Pariſh of *All Saints Barking* aforeſaid, of ſuch his Eſtate of and in the Wharf and Tenements aforeſaid with the appurtenances dyed poſſeſſed. After whoſe Death, the ſaid *Joyce* took upon her the charge of the Execution of the Teſtament aforeſaid, and was of the Intereſt of the aforeſaid Term of 40. yeers, of and in the Wharf and Tenements aforeſaid with the appurtenances poſſeſſed; And ſo thereof being poſſeſſed, the ſaid *Joyce*, before the time in which, *&c.* At *London*, in the Pariſh of *All Saints* aforeſaid, took to Huſband the aforeſaid *Iohn Porter*, By which the ſaid *Iohn Porter*, and *Joyce*, were of the Intereſt of the aforeſaid Term of 40. years, of and in the Wharf and Tenements aforeſaid with the appurtenances poſſeſſed. And the Jurors aforeſaid further ſay upon their Oath, That one *Iohn Gibſon* is Coſen, and Heir of the ſaid *Nicholas Gibſon*, that is to ſay, Son and Heir of *Hugh Gibſon* deceaſed, Brother and Heir of the ſaid *Nicholas Gibſon*, And that the ſaid *Iohn Gibſon*, before the time in which, *&c.* that is to ſay, the 24th. Day of *January*, in the yeer of the Reign of the Lady the Queen that now is the 34th. into the Wharf and Tenements aforeſaid with the appurtenances, by force of the Teſtament and laſt Will of the ſaid *Nicholas Gibſon*, by colour of Forfeiture, and by reaſon of the Condition in the ſaid laſt Will before ſpecified, by the

aforeſaid

aforesaid *Avice*, in her life forfeited and broken, entred and was thereof seized in his Demesn as of Fee; And so thereof being seized, The said *John Gibson*, before the time in which, *&c.* that is to say, the 25th Day of *January*, in the yeer of the Reign of the said Lady the Queen that now is the 34th. By his Writing indented, bearing Date the same Day and yeer, in the Court of the said Lady the Queen of her *Chancery*, at *Westminster*, being in due manner inrolled, and to the Jurors in Evidence shewed, Bargained, Granted, and Sold the Wharf and Tenements aforesaid with the appurtenances, to the said Lady the Queen that now is, To have, and to hold, to the said Lady the Queen that now is, her Heirs and Successors for ever. By Colour of which Grant, Bargain, Sale, and Inrollment, The said Lady the Queen that now is, was of the Wharf and Tenements aforesaid with the appurtenances, seized in her Demesn as of Fee in the Right of the Crown of *England*, and the said Queen that now is so thereof being seized, The aforesaid *John Porter*, claiming the Wharf and Tenements aforesaid in his own Right, and the aforesaid *Henry*, as Servant of the said *John Porter*, and by his Commandment the aforesaid time in which, *&c.* into the Wharf and Tenements aforesaid with the appurtenances, upon the possession of the said Lady the Queen that now is thereof entred and made ingresse; But whether upon the whole matter aforesaid, by them the Jurors in form aforesaid found, the aforesaid entry of the aforesaid *John Porter*, and *Henry* into the Wharf and Tenements aforesaid with the appurtenances, be an Intrusion upon the possession of the said Lady the Queen of the Wharf and Tenements aforesaid, or not, The said Jurors thereof pray the advise of the said Court of *Exchequer*, here, *&c.* And if upon the whole matter aforesaid, by them the Jurors in form aforesaid found, It shall seem to the said Barons and Court here, That the aforesaid Entry of the aforesaid *John Porter*, and *Henry*, into the Wharf and Tenements with the appurtenances, be, and ought to be adjudged an Intrusion upon the possession of the said Lady the Queen, Then the said Jurors say upon their Oath, That the aforesaid *John Porter*, and *Henry*, in and upon the possession of the said Lady the Queen that now is, of the aforesaid Key and Wharf, called the *Old Woolkey*, and other the premises in the Information above alleged, entred, intruded, and made ingresse in manner & form, as in the Information aforesaid above is alleged. And if upon the whole matter aforesaid, by them the Jurors in form aforesaid found, It shall seem to the Barons and Court here, That the aforesaid Entry of the aforesaid *John Porter*, and *Henry*, into the Wharf and Tenements aforesaid with the appurtenances be not, nor ought to be adjudged, an intrusion upon the possession of the said Lady the Queen of the aforesaid Wharf and Tenements aforesaid with the appurtenances, Then the same Jurors say upon their Oath, That the said *John Porter*, and *Henry*, in and upon the possession of the said Lady the Queen that now is, of the aforesaid Key and Wharf, called the *Old Wolkey*, and other the premises in the said Information above alleged, did not intrude and make Entry in manner and form, as in the Information aforesaid above is alleged. And because the Court here will avise of the premises before further, *&c.* Day is given here to the said *John Porter*, and *Henry Cockain*, in the same state that now is, until 8. dayes of St. *Michael*, before which day, that is to say, in the Morrow of St. *Michael*, in the yeer of the Reign of the Lady the Queen that now is, the processe aforesaid with all things touching the same, by

the

the Writ of the Lady the Queen of Common Adjournment under her great Seal of *England*, bearing date at *Weſtminſter* the 23d Day of *September*, in the Yeer of the Reign of the ſaid Lady the Queen that now is the 34th. aforeſaid, to the aforeſaid Treaſurer and Barons of the *Exchequer* directed, which is inrouled elſewhere in the Remembrances of this *Exchequer*, of the aforeſaid 34th. yeer of the Queen that now is, amongſt the Records of this *Exchequer*, of the Term of St. *Michael Rott.* On the part of this Remembrancer, until a Moneth of St. *Michael* then next following: At which Day, the ſaid Proceſſe aforeſaid, with all things touching the ſame, by another like Writ of Common Adjournment, bearing Date at *Hampton Court* the 25th. Day of *October*, in the 34th. yeer aforeſaid, and amongſt the Records of the ſaid Term of St. *Michael*, in the Roul aforeſaid, with the part of the Remembrancer aforeſaid, likewiſe Inrouled, are further adjourned until the Morrow of *All Souls*, at *Weſtminſter* aforeſaid, unto the Caſtle of the Lady the Queen of *Hartford*, in the County of *Hartford*. And the ſame Day is given here to the aforeſaid *John Porter*, and *Henry Cockain*, At which Day, the ſaid *John*, and *Henry*, come here as before. And the Verdict aforeſaid being ſeen and the other premiſes by the Barons here, and the mature deliberation thereof amongſt them being had; Becauſe upon the whole matter aforeſaid, by the Jurors aforeſaid, in form aforeſaid found, It ſeemes to the Barons here, That the entry of the aforeſaid *John Porter*, and *Henry Cockain*, in the Wharf and Tenements aforeſaid with the appurtenances, is an Intruſion upon the poſſeſſion of the ſaid Lady the Queen, of the Wharf and Tenements aforeſaid: Therefore it is granted by the ſame Barons, That the aforeſaid *John Porter*, and *Henry Cockain*, of the aforeſaid Entry, Intruſion, and Ingreſs in and upon the poſſeſſion of the ſaid Lady the Queen, of the aforeſaid Key and Wharf, and other the premiſes, be convicted, and either of them be convicted, And that the aforeſaid Wharf and Tenements with the appurtenances, into the Hands of the ſaid Lady the Queen that now is, be taken, *&c.* And that the ſaid *John Porter*, and *H. Cockain*, be Attached by their Bodies whereſoever, *&c.* to make a Fine for the contempt aforeſaid, *&c.* And further, to do what to the Court, *&c.* And it is commanded to the Sheriffs of *London*, that they attach them in form aforeſaid, ſo that, *&c.* in 8. Day of St. *Hillary*, Before which Day, that is to ſay, The 28th. Day of *November*, in the yeer 35th. of the Queen that now is, the Proceſs aforeſaid, together with all things touching the premiſes were further adjourned by another Writ of Common Adjournment, under the great Seal of *England*, to the Treaſurer and Barons of this *Exchequer* directed, which is inrouled elſewhere in the Remembrances of this *Exchequer*, of the 34th. yeer of the Queen that now is ended, and the 35th. began, with the ſaid Remembrancer from the aforeſaid Caſtle of *Hartford*, unto *Weſtminſter* aforeſaid. At which Day, the ſaid *John Porter*, and *Henry Cockain*, at *Weſtminſter* aforeſaid, come here as before, And the Sheriffs did not return the Writ; Yet the aforeſaid *John Porter*, and *Henry Cockain*, at the ſame time come here as before, And for the premiſes ſubmitted themſelves to the favour of the Court, And that they might not be further in the premiſes troubled, prayed with the favour of the Court to be admitted to make a reaſonable Fine, with the Lady the Queen in the premiſes, which by the Court here is granted to them. And upon this, by colour of a Writ of the ſaid Lady the Queen, of her privy Seal, To the Treaſurer, Chancellor, and Barons, and other Officers of this Court of *Exchequer*, of

the ſecond yeer of this Queen, that is to ſay, amongſt the Writs directed to the Barons, and in the Term of *Eaſter*, in this *Exchequer* inrouled, remaining with the Remembrancer of the Queen, of Perſons to be admitted by the aforeſaid Treaſurer, Chancellor, Barons, and other Officers of this *Exchequer*, according to their diſcretions they are admitted to make ſuch Fine, *&c.* according to the Tenor of the aforeſaid Writ; and made a Fine in the premiſes, as is contained in theſe Remembrances, that is to ſay, amongſt the Fines of this Term, one the part remaining of the Remembrancer of the Queen, By Colour of which Fine, It is granted to the Barons here, That againſt the aforeſaid *John Porter*, and *Henry Cockain*, for the Contempt aforeſaid, there be not here further Execution made, *&c.*

Information.

Trinity Term, Anno 37° *Eliz. Rot.* 199. in the *Exchequer.*

The Caſe of *Alton Woods*, Co. 1. part. fo. 26.

MEmorandum, that it is found in the Remembrances of this *Exchequer*, in the 37th. year of Queen *Elizabeth*, that is to ſay, amongſt the Records of this Term of *Holy Trinity*, with the part of the Queens Remembrancer in theſe words, That is to ſay, *Worceſter ſſ. Memorandum*, That *Edward Coke Eſquire*, The Attorny General of the Lady the Queen that now is, who proſecutes for the ſaid Lady the Queen preſent here in Court, the 20th. Day of *June*, this Term, in his own perſon for the ſaid Lady the Queen, gave the Court here to underſtand and be informed, That whereas a Wood with the appurtenances, called *Alcon*, otherwiſe *Alvington Wood*, containing by eſtimation, 3000. Acres of Wood in *Alton*, otherwiſe *Alvington*, and *Rock*, in the aforeſaid County of *Worceſter*, in the Hands and poſſeſſion of the ſaid Lady the Queen that now is, the firſt Day of *October*, in the firſt yeer of her Reign and long before, and continually after were and ſtood, and of Right ought to be, and yet ought as in the Right of her Crown of *England*, as in very many Records, Roules, and Remembrances of this *Exchequer*, it is evident and appeareth upon Record: Yet one *Ann* Counteſs of *Warwick*, *Humphry Hill*, *Richard Buſhopp*, and *Edward Buſhopp*, little regarding the Lawes and Statutes of the ſaid Lady the Queen that now is, but intending the Diſenheriſin of the Lady the Queen in the premiſes, with Force and Armes, *&c.* the firſt Day of *October*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 27th. and diverſe Dayes and turns between the ſame firſt Day of *October*, in the 27th. yeer, and the Day of Exhibiting of this Information, in and upon the poſſeſſion of the ſaid Lady the Queen of the premiſes Entred, Intruded, and made Entry, and the Iſſues and Profits thereof coming perceived to their own uſes and had, and as yet do perceive and have, the ſame Treſpaſs continuing, and as

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yet continuing in contempt of the ſaid Lady the Queen that now is, and againſt her Lawes, Whereupon the aforeſaid Attorny of the ſaid Lady the Queen, for the ſaid Lady the Queen prayes the Adviſe of the Court in thepremiſes. And the aforeſaid *Ann* Counteſs of *Warwick*, *Humphry Hill*, *Richard Biſhopp*, and *Edward Biſhopp* come here, to anſwer the ſaid Lady theQueen of and in the premiſes, as it is contained there, And now, that is to ſay, From the day of *Holy Trinity*, in three Weekes this Term, came here the aforeſaid *Richard Biſhopp*, by *Arthur Salwaie*, his Attorny, to this, by ſpecial favour of the Court admitted, and prayeth the hearing of the Information aforeſaid, and it is read unto him, *&c.* Which being read and heard, and by him the ſaid *Richard* fully underſtood, The ſaid *Richard* complaineth, by colour of the premiſes in the Information aforeſaid above ſpecified, to be troubled and unquietted, and that not juſtly. Becauſe, By Proteſtation, that the Information aforeſaid, and matter in the ſame contained, is not ſufficient in Law, and to which the ſaid *Richard* is not neceſſitated, nor by the Law of the Land bound to anſwer in any manner. By Proteſtation alſo, That the Wood aforeſaid, in the Information aforeſaid, above mentioned, doth not contain, nor the aforeſaid time of the Treſpaſs and Intruſion aforeſaid above ſuppoſed to be done, did contain in it 3000. Acres, in manner and form, as by the Information aforeſaid above is ſuppoſeed. Yet for Plea, The ſaid *Richard*, as to the Force and Armes, or whatſoever is againſt the Peace of the ſaid Lady the Queen that now is, As alſo the whole Treſpaſs, Contempt, and Intruſion, in the Information aforeſaid above ſpecified ſuppoſed to be done, beſides the Entry and Ingreſſe into the Wood aforeſaid, called *Alton Wood*, otherwiſe *Alvington Wood*, the 21th. Day of *February*, in the Yeer of the Reign of the Lady the Queen that now is, the 32th. and from the ſame Day, until the Day of Exhibiting of the Information aforeſaid, and beſides, the perceiving the Iſſues and Profits thereof by that time comming above ſuppoſed, The ſaid *Richard* ſaith, that he in nothing thereof is guilty, in manner and form, as by the Information aforeſaid above is ſuppoſed, and upon this puts himſelf upon the Country, And the aforeſaid Attorny General of the ſaid Lady the Queen that now is, who for the ſaid Lady the Queen in this behalf proſecutes likewiſe, *&c.* Therefore an Inquiſition be made thereof, *&c.* And as to the Entry and Ingreſs into the Wood aforeſaid, the aforeſaid 21th. Day of *February*, in the 32th. Yeer aforeſaid, and from that Day, until the Day of Exhibiting of the Information aforeſaid, as alſo to the taking of the Iſſues and Profits thereof, by the time thereof comming above ſuppoſed to be done, the ſaid *Richard* ſaith, That the ſaid Lady the Queen that now is, him the ſaid *Richard* ought not any wayes to impeach or trouble, becauſe he ſaith, That long before the aforeſaid time in which it is ſuppoſed, the Entry, Intruſion, and Ingreſs aforeſaid to be done, One *Ann* Counteſs of *Warwick* Widow, ſometimes Wife of *Richard* ſometimes Earl of *Warwick*, was ſeized of the Mannor of *Abbroteſley*, otherwiſe *Abberley*, otherwiſe *Abbedeley*, with the appurtenances, in the aforeſaid County of *Worceſter*, whereof the aforeſaid Wood in which, *&c.* then and until the time of the grant here after ſpecified, made to *Robert* Earl of *Leiceſter*, the third Day of *July*, in the 30th. Yeer of Queen *Elizabeth*, here after mentioned, whereof the Memory of Man then was not to the contrary was parcel, in her Demeſn as of Fee, and ſo thereof being ſeized, a Fine was levied in the Court of the

Lord *Henry* late King of *England* the 7th, at *Weſtminſt.* in the County of *Middleſex*, from the Day of St. *Hillary* in 15. Dayes, in the 3d Year of his Reign, before *Thomas Brian*, *Roger Townſend*, and *John Haugh* Juſtices, and other the ſaid late Kings Faithful Subjects then there preſent, Between him the Lord the King plantiff, and the aforeſaid *Ann* ſometimes Counteſs, ſometimes Wife of the aforeſaid *Richard* Earl of *Warwick*, by the Name of *Ann* Counteſs of *Warwick* deforceant, of the Mannor aforeſaid with the appurtenances, whereof, *&c.* amongſt other, *&c.* whereof a Plea of Covenant was ſued between them in the ſame Court, that is to ſay, That the ſaid Counteſs granted to the ſaid Lord the King, the Mannor aforeſaid with the appurtenances, whereof, *&c.* And the ſame rendred back to him in the ſame Court, To have, and to hold to the ſaid Lord the King, and the Heirs Males of his Body begotten, and if it ſhall happen, That the ſaid Lord the King ſhould die, without Heir Male of his Body begotten, then after the deceaſe of the ſaid Lord the King the aforeſaid Mannor with the appurtenances, whereof, *&c.* ſhould wholly Revert to the ſame Counteſs, and her Heirs quieted from the other Heirs of the aforeſaid Lord the King, as by the Record of the aforeſaid Fine in the Court of the ſaid Lady the Queen that now is, of the Bench at *Weſtminſter* aforeſaid remaining, more fully appeareth. By virtue of which Fine, the aforeſaid late King *Henry* the 7th. was ſeized of the Mannor aforeſaid with the appurtenances, whereof, *&c.* in his demeſn as Fee tail, that is to ſay, to him and the Heirs Males of his Body iſſuing, the Reverſion thereof to the aforeſaid Counteſs, ſometimes Wife of the aforeſaid *Richard* Earl of *Warwick*, and the Heirs of the ſaid Counteſs expectant. And the ſaid late King ſo thereof being ſeized, and the Reverſion thereof to the ſaid Counteſs in form aforeſaid expectant, The ſaid Counteſs afterwards, and before the time aforeſaid in which, *&c.* At *Abbotesley*, otherwiſe *Abberly*, in the aforeſaid County of *Worceſter*, dyed ſo as before is ſaid, of the Reverſion aforeſaid ſeized, After whoſe death, the Reverſion aforeſaid with the appurtenances deſcended to one *Edward* Earl of *Warwick*, as Couſin and Heir of the ſaid Counteſs, that is to ſay, Son and Heir of *Iſabel*, Daughter of the ſaid Counteſs; By which, the ſaid Earl was ſeized of the Reverſion of the Mannor aforeſaid with the appurtenances, whereof, *&c.* as of Fee, and Right; And the ſaid *Edward*, Earl of *Warwick*, ſo thereof being ſeized, By an Act in Parliament of the ſaid late King holden at *Weſtminſter* the aforeſaid 25th. Day of *January*, in the Yeer of his Reign the 19th. amongſt other things, It was Enacted by him the ſaid late King, by the aſſent of the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled, and by the Authority thereof, That whereas *Peter Warbeck*, with others of the aforeſaid late Kings Rebellious Enemies, and Traytors in a great multitude and number to him aſſociated, entred, and arrived in this Kingdom, in a certain place called *Whiteſſonbay*, in the Pariſh of St. *Bercie* in the County of *Cornwall*, the 7th. day of *September*, in the Yeer of the Reign of the ſaid late King the 13th. and levied Warr againſt the aforeſaid late King, Notwithſtanding the aforeſaid *Peter* in his Journey, and iſſue to the ſaid falſe and malicious purpoſe was overthrown, and was taken, and by the ſame late King committed to the Priſon of the *Tower* of *London*, where, and in which place, the aforeſaid *Edward* Earl of *Warwick*, confederated with the aforeſaid *Peter*, imagining, and intending, falſely, and trayterouſly, the death and deſtruction of the ſaid late King, and the overthrowing of this Kingdom of *England*,

land, intending to make the aforeſaid *Peter* King of the ſame Kingdom, by divers deviſes amongſt them conceived and inſpired, endeavoured with divers his Adherents, ſpeedily by diverſe falſe Meſſages and Notes, to ſet him at liberty and at large, to the intent, to Execute his falſe and Trayterous purpoſe, to aid and aſſiſt him to his utmoſt endeavour, for which, the aforeſaid *Edward* Earl of *Warwick*, by due courſe of Law of the ſaid late King, out of his own Confeſſion was convicted and attainted of High Treaſon, as his deſerts in that behalf required; That the ſaid Earl for his offences aforeſaid, by Authority of Parliament aforeſaid, ſhould be convicted, adjudged, and attainted of High Treaſon; And that he ſhould forfeit to the aforeſaid late King and his Heirs, All his Honours, Caſtles, Mannors, Lordſhips, Hundreds, Franchiſes, Liberties, Privileges, Advowſons, Nominations, Preſentations, Rights, Fees, Tenements, Rents, Services, Reverſions, Remainders, Portions, Annuities, Penſions, Rights, Poſſeſſions, Hereditaments, Goods, Chattels, and Debts, whereof the ſaid Earl, or any other to his uſe, was ſeized or poſſeſſed of the day of the Treaſon either committed, or done, or at any time after within the Kingdom of *England*, *Ireland*, *Wales*, *Calice*, or the Counties thereof, in Fee ſimple, Fee tail, for Term of life or lives, Or in which the ſaid Earl then, or at any time after had lawful cauſe of Entry, within *England*, *Ireland*, *Wales*, *Calis*, or the Counties of them. And further that the aforeſaid *Edward* Earl of *Warwick*, ſhould forfeit to the ſaid late King, and his Heirs, All Honours, Caſtles, Mannors, Lordſhips, Hundreds, Franchiſes, Liberties, Privileges, Advowſons, Nominations, Preſentations, Rights, Fees, Lands, Tenements, Rents, Services, Reverſions, Remainders, Portions, Annuities, Penſions, Rights, Poſſeſſions, Hereditaments, Goods, Chattels, and Debts, whereof the ſaid Earl, or any other perſon, ſeized to his uſe, or was poſſeſſed of the ſecond day of *Auguſt*, in the Yeer of the Reign of the aforeſaid late King the 14th. or at any time then after, as by the ſaid Act amongſt other things more fully appeareth. And the ſaid *Richard* ſaith, That the aforeſaid *Edward* Earl of *Warwick*, Couſin and Heir of the ſaid *Ann* Counteſs of *Warwick*, in the Fine aforeſaid named, and the aforeſaid *Edward* Earl of *Warwick*, in form aforeſaid attainted, and in the Act aforeſaid named, are one and the ſame perſon, and not other or diverſe. By colour of which Conviction and Attainder, and by force of the aforeſaid Act of Parliament, The aforeſaid late King *Henry* the 7th. was ſeized of the Reverſion of the Mannor aforeſaid with the appurtenances, whereof, *&c.* as of Fee and of Right, in the Right of his Crown of *England*; And ſo thereof being ſeized, and of the Mannor aforeſaid with the appurtenances, in his Demeſn as of Fee tail, in form aforeſaid being ſeized, The ſaid late Lord the King, afterwards and before the aforeſaid time in which, *&c.* At *Weſtminſter* aforeſaid dyed, of the Mannor aforeſaid with the appurtenances, whereof, *&c.* And of the Reverſion aforeſaid, in form aforeſaid ſeized; After whoſe death, the Mannor aforeſaid with the appurtenances, whereof, *&c.* and the Reverſion aforeſaid diſcended to the Lord *Henry* late King of *England* the 8th. as Son and Heir of the aforeſaid late King *Henry* the 7th. By which the ſaid late King *Henry* the 8th. was ſeized of the Mannor aforeſaid with the appurtenances, whereof, *&c.* in his demeſn as of Fee tail, that is to ſay, to him and the Heirs Males of his Body iſſuing, and of the Reverſion of the ſaid Mannor with the appurtenãces as of fee & right, And the ſaid late Kiug *Hen.* the 8th.

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ſo being thereof ſeized, By a certain Inquiſition, taken at the Caſtle of *VVorceſter*, in the aforeſaid County of *VVorceſter*, the 5th. day of *July*, in the yeer of the Reign of the aforeſaid late King *Henry* the 8th the 23th. before *Roger VVinter Eſquire*, then Eſcheator of the ſaid late King the ſame County, by virtue of his Office by the Oathes of *Richard Frier Gent. Richard Shelton Gent. VVilliam Andrewes Gent. Richard Dedick Gent. Richard Hill* of *Leigh*, *Edward Enolt*, *Henry Diſon*, *Roger Ibud*, *Henry VVoodward*, *John Porter* of *Claynes*, *John Brodford*, *VValter Solli*, *Roger Aldern* of *Martley*, and *Richard VValter* taken, It was found amongſt other things, That the aforeſaid *Ann* Counteſs of *VVarwick*, in the Fine aforeſaid named, was ſeized of the Mannor aforeſaid with the appurtenances, whereof, *&c.* in her Demeſn as of Fee, and that ſhe being thereof ſo ſeized, the Fine aforeſaid, in form aforeſaid was levied; By which the aforeſaid King *Henry* the 7th. was ſeized of the Mannor aforeſaid with the appurtenances, whereof, *&c.* in his Demeſn as of Fee tail, that is to ſay, to him and the Heirs Males of his Body iſſuing, And that the ſaid Counteſs was ſeiſed of the Reverſion of the ſaid Mannor as of Fee and Right, and that the ſaid Counteſs of the ſaid Reverſion ſo ſeized, of ſuch her Eſtate thereof dyed ſeized, And that after the Death of the ſaid Counteſs, the ſaid Reverſion deſcended to the aboveſaid *Edward*, late Earl of *VVarwick*, as Couſin and Heir of the ſaid Counteſs, that is to ſay, Son and Heir of *Iſabel*, Daughter and Heir of the ſaid Counteſs, By which, the ſaid *Edward*, late Earl of *VVarwick*, was ſeized of the Reverſion of the Mannor aforeſaid with the appurtenances as of Fee and Right, and that the ſaid late Earl, being thereof ſo ſeized, That the aforeſaid Act in the aforeſaid Parliament of the aforeſaid late King *Henry* the 7th. in the Yeer of his Reign the 19th. aforeſaid made, was in manner and form aforeſaid, And that by colour of the ſame Act, the ſaid late King *Henry* the 7th. was ſeized of the Mannor aforeſaid with the appurtenances as of Fee and Right, And that the ſaid late King *Henry* the 7th. being ſo thereof ſezed, and of the Mannor aforeſaid with the appurtenances, whereof, *&c.* in form aforeſaid being ſeized, of ſuch his Eſtate thereof dyed ſeized; After whoſe Death, The Mannor aforeſaid with the appurtenances, whereof, *&c.* and the Reverſion aforeſaid deſcended to the aforeſaid late *Henry* late King of *England* the 8th. as Son and Heir of the aforeſaid Lord King *Henry* the 7th. By which the ſaid King *Henry* the 8th. was ſeized of the Mannor aforeſaid with the appuretenances, whereof, *&c.* in his Demeſn of Fee tail, that is to ſay, to him and the Heirs Males of Body, lawfully iſſuing, the Reverſion thereof to him and his Heirs, in form aforeſaid expectant, as by the Inquiſition aforeſaid, in the Court of *Chancery* of the ſaid Lady the Queen at *VVeſtminſter* aforeſaid, in due manner retorned, and there remaining on Record more fully appeareth. And the ſaid *Richard* furher ſaith, That the aforeſaid late King *Henry* the 8th. ſo of the Mannor aforeſaid with the appurtenances, whereof, *&c.* And of the Reverſion thereof in form aforeſaid being ſeized, The ſaid late King *Henry* the 8th. the 3d. dey of *November*, in the yeer of his Reign the 33th. at *Weſtminſter*, aforeſaid, By this Letters Patents under his great Seal of *England*, ſealed, which the ſaid *Richard* here in Court brings, bearing date at *Weſtminſter*, aforeſaid the ſame Day and Yeer, Reciting, That whereas the ſaid late King *Henry* the 8th. the 20th. day of *Octber*, in the 19th. yeer of his Reign, by his Letters Patents, had given and granted nnto *Walter Walſhe*, by the name of *VValter Walſhe*, one of the Grooms of his *Priny Chamber*, his Man-

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nor of *Grafton Flenere*, by the name of the Mannor of *Grafton Fleeford*, with his appurtenances in the County of *Worceſter*, and the Advowſon of the Church of *Grafton Fleeford* aforeſaid, as alſo all and ſingular his Meſſuages, Lands and Tenements whatſoever, in *Grafton Fleeford*, in the County aforeſaid, together with the Knights Fees, Wards, Mariages, Reliefs, Rents and Services whatſoever, to the Mannor and other the premiſes and to every part thereof any wiſe ſoever belonging or appertaining; To have, and to hold the ſaid Mannor, and other the premiſes, with all and ſingular their members and appurtenances whatſoever, to the aboveſaid *Walter*, for the Term of his Life, as in the ſaid Letters Patents more fully it was contained. And whereas alſo, the ſaid late King *Henry* the 8th. the 6th. day of *December*, in the Yeer of his Reign the 21th. by other his Letters Patents, had given and granted to the aforeſaid *Walter Walſhe*, and to one *Elizabeth* then his Wife, by the names of *Walter VValſhe*, one of the Grooms of his *Privy Chamber*, and *Elizabeth* his Wife, the Mannor of *Charleton*, in the County of *Somerſet*, by the name of his Mannor of *Charleton* in the County of *Somerſet*, with all and ſingular his members and appurtenances whatſoever, by whatſoever right or title the ſaid Mannor in the Hands of the ſaid late King then were, To have, and to hold, the ſaid Mannor with the appurtenances, to the ſaid *VValter* and *Elizabeth*, and their Aſſignes, for the Term of the Lives of the ſaid *VValter* and *Elizabeth*, and the longer liver of them, as in the ſaid Letters Patents it was more fully conteined. The aforeſaid late King *Henry* the 8th. Then in Conſideration of the true and laudable Service to the ſaid Lord the King by the aforeſaid *VValter VValſhe*, before that time done, and after to be done, And for that the ſaid *VValter*, the aforeſaid other Letters Patents, to him of the aforeſaid Mannor of *Grafton Fleeford*, alias *Fleuard*, and the ſame *VValter*, and the aforeſaid *Elizabeth*, the aforeſaid other Letters Patents, to them of the aforeſaid Mannor of *Charleton*, with their Members, and ſingular their appurtenances, in form aforeſaid made, to the ſaid late King *Henry* the 8th. in his *Chancery* had reſtored there to be cancelled, unto the intent that the ſaid late King *Henry*, the aforeſaid Mannor of *Grafton Fleuard* with the appurtenances, and the ſaid Advowſon of the Church of *Grafton Fleuard*, and all and ſingular Meſſuages, Lands, and Tenements, of the ſaid Lord the King in *Grafton Fleuard*, As alſo the aforeſaid Mannor of *Abotteſly*, in the aforeſaid County of *VVorceſter* with their appurtenances whatſoever, and the Advowſon of the Church of *Abotteſly*, in the County aforeſaid, and all Lands and Tenements of the ſaid Lord the King whatſoever, with the appurtenances in *Abotteſly*, otherwiſe *Abberley*, by other Letters Patents of the ſaid late King, to the ſaid *Walter*, and *Elizabeth*, he would be pleaſed to grant. Which ſaid former Letters Patents, in the Court of *Chancery* aforeſaid, at *Weſtminſter* aforeſaid, to the ſame intent at the time of the making of the aforeſaid Letters Patents here in Court, were delivered up and cancelled, Of the ſpecial grace of the ſaid King, and of his certain Knowledge and meer motion, by the ſame Letters Patents here in Court ſhewed, and brought forth, gave and granted, unto the ſaid *VValter VValſhe*, and *Elizabeth* his Wife, The aforeſaid Mannors of *Grafton Fleuard*, and *Abotteſly*, otherwiſe *Aberley*, with all and ſingular their members and appurtenances, as alſo all and ſingular Lands, Tenements, Reverſions, Services, Knights Fees, Liberties, Franchiſes, Courts Leets, Views of Frankpledges, Parkes, Warrens, Waifes, Strayes, and other Commodities and

Privileges

Privileges whatſoever, within the aforeſaid Mannors, or any of them being, or unto the ſaid Mannors, or any of them in any māner belonging or appertaining. To have, and to hold, the Mannors aforeſaid and every of them, and all the premiſes ſo as before is ſaid, by the ſaid Letters Patents here in Court ſhewed forth, granted and every part thereof with their members and appurtenances whatſoever, to the ſaid *VValter VVaſhe*, and *Elizabeth* his Wife, and to the Heirs Males of the Body of the ſaid *VValter* begotten, as by the ſaid Letters Patents amongſt other things more fully appeareth: And the ſaid *Richard* ſaith, That the aforeſaid *VValter*, long before the making of the aforeſaid Letters Patents, and at the time of the making thereof, and long after was Servant of the ſaid late King *Henry* the 8th. and one of the Grooms of the *Privy Chamber* of the ſaid late King, and many good, laborious, and laudable Services to the ſaid late King *Henry* the 8th. before the making of the ſaid Letters Patents, did and performed, and that he ſaid *VValter*, the aforeſaid other Letters Patents, of the aforeſaid Mannor of *Grafton Fleuard*, and the ſaid *VValter*, and *Elizabeth*, the aforeſaid other Letters Patents, of the ſaid Mannor of *Charleton*, with their ſeveral members and appurtenances, in form aforeſaid made to the ſaid late King *Henry* the 8th. before the making of the ſaid other Letters Patents, to them in form aforeſaid made, and here in Court ſhewed forth in his *Chancery* aforeſaid at *VVeſtminſter* aforeſaid, had ſurrendred and procured to be cancelled, as in the ſaid Letters Patents, here in Court ſhewed forth it is alleged and teſtified: By virtue of which Letters Patents, here in Court ſhewed forth, The ſaid *VValter*, and *Elizabeth*, were ſeized of the ſaid Mannor of *Abotteſly* with the appurtenances, whereof, *&c.* amongſt other, that is to ſay, The ſaid *VValter*, in his demeſn as of Fee tail, that is to ſay, to him and the Heirs Males of his Body iſſuing, and the aforeſaid *Elizabeth*, in her demeſn as of Free hold for the Term of her Life, and the ſaid *VValter*, and *Elizabeth*, ſo being thereof ſeized, the ſaid *Elizabeth* afterwards, and before the time in which, *&c.* at *Abotteſly* aforeſaid dyed, And the aforeſaid *VValter* over-lived her, and held himſelf in the aforeſaid Mannor of *Abotteſly* with the appurtenances, whereof, *&c.* and was thereof ſeized in his demeſn of Fee tail, in form aforeſaid, by right of Survivour, And the ſaid *VValter*, ſo thereof being ſeized, By an Act of Parliament of the ſame late King *Henry* the 8th. at *VVeſtminſter* aforeſaid, the 8th. day of *July*, in the yeer of his Reign the 28th. holden, made, reciting by the ſaid Act, Whereas the aforeſaid *Ann*, Counteſs of *Warwick*, in the Fine aforeſaid above named, in the yeer of the Reign of the late King *Henry* the 7th. the 19th. by Fine then levied before the Juſtices of the King of *Common-Pleas* at *VVeſtminſter*, had given & granted unto the ſaid late King *Henry* the 7th. amongſt other things, The Lordſhip and Mannor of *Abotteſly*, with the appurtenances, in the County of *Worceſter*, To have to the ſaid King, and the Heirs Males of his Body iſſuing, as by the ſame Fine remaining on Record, amongſt other things it more fully appeared; By virtue of which, the ſaid late King was ſeized of the ſaid Mannor with the appurtenances, in his demeſn as of Fee tail, and ſo thereof being ſeized, The ſaid Counteſs dyed, After whoſe death the Reverſion of the ſaid Mannor with the appurtenances in Fee ſimple, did deſcend and come to *Edward* late Earl of *Warwick*, which Reverſion and Fee ſimple of the ſaid Mannor, amongſt other Caſtles, Honours, Mannors, Lands, Tenements, and Hereditaments, then after eſcheated and came into the Hand and poſſeſſion of the aforeſad late King

Henry

Henry the 7th. and his Heirs, by the Attainder of High Treaſon of the ſaid *Edward* Earl of *Warwick*, as by the Record therefore more fully appeareth, And the aforeſaid late King *Henry* the 7th. ſo thereof being ſeized dyed, After whoſe death, the ſame Caſtles, honours, manors, lands, tenements, and Hereditaments, and other the premiſes in the Fine aforeſaid contained, amongſt other Lands, Manors, Tenements, and Hereditaments deſcended & came to the ſaid late K. *Hen.* the 8th. as Son & Heir of the aforeſaid late K. *Hen.* the 7th. by due courſe of Inheritance, By virtue wherof the ſaid late K. *Henry* the 8th. had been, and was then thereof ſeiſed, And becauſe the aforeſaid Caſtles, Manors, Lordſhips, Lands, Tenements, and other the premiſes were of great value, and had many great and ample Liberties, Preheminences, Commodities, and delights to the ſame belonging, Therefore then and there, It was Enacted by Authority of the ſame Parliament, That the aforeſaid late King *Henry* the 8th. his Heirs, and Succeſſors from hence after, ſhould have, hold, and injoy for ever, all and ſingular the aforeſaid Caſtles, Mannors, Tenements, Lands, and Hereditaments, with the Appurtenances, and all and ſingular the premiſes: and that the ſaid Caſtles, Manors, Tenements, Lands, and Hereditaments, with the Appurtenannances, and all and ſingular other the premiſes, by Authority of the ſaid Parliament ſhould be adjudged in the aforeſaid late King *Henry* the 8th. his Heirs and Succeſſors in Fee ſimple for ever, without the aforeſaid, or any other thing or things, before then had, made, or uſed, or to be allowed to the contrary in any thing notwithſtanding, as by the ſame Act more fully appeareth. Saving alwayes to all and ſingular perſon and perſons, Bodies politique, and corporate, their Heirs, and Succeſſors, and to the Heirs, and Succeſſors of every of them, other than the aforeſaid late Counteſs of *Warwick*, and her Heirs, and the Heirs of the ſaid *Richard*, late Earle of *Warwick*, Father of the late Counteſſe, all ſuch Rights, Titles, Uſes, Intereſts, terms of years, Demiſe, Demiſes, Rents, Fees, Annuities, Poſſeſſions, Reverſion, Remainder, Diſtreſſes, Entries, Actions, Grants, Offices, Commons, Commodities, Liberties, Profits, & Sutes, in ſuch manner, & form, & conditions, as they, or any of them their heirs, & ſucceſſors, or the heirs or ſucceſ. of any of them had, could, might, or ought to have had, if the Act aforeſaid never had bin made, any thing in the ſaid Act of Parliament to the contrary notwithſtanding, as by the ſaid Act, amongſt other things it more fully appeareth. By colour of which Act, the Reverſion aforeſaid, to the aforeſaid Manor of *Abbotteſley*, otherwiſe *Abberley*, and the Manor aforeſaid in Reverſion, after the Eſtate and Intereſt of the aforeſaid *Walter Walſh*, and *Elizabeth* his wife, ſo as before is ſaid, granted to the aforeſaid late King *Henry* the 8th. his Heirs, and Succeſſors in Fee ſimple did belong, according to the form and effect of the Act aforeſaid. By which the ſaid late King *Henry* the 8th. was ſeiſed of that reverſion as of Fee and right, and the ſaid late King ſo being thereof ſeiſed, and the ſaid *Walter*, of the aforeſaid Manor of *Abbotteſley* with the Appurtenances, whereof, *&c.* in form aforeſaid being ſeiſed, The aforeſaid *Walter*, at *Abbotteſley* aforeſaid, before the aforeſaid time, in which, *&c.* died of ſuch his Eſtate ſo ſeiſed. After whoſe deceaſe, The ſaid Manor with the Appurtenances, whereof, *&c.* deſcended to one *Walter Walſh* his Son, as Son and Heir Male of the body of the ſame *Walter Walſh* his Father iſſuing, By which the ſaid *Walter Walſh* the Son after, and before the time in which, *&c.* entred, and was thereof ſeiſed in his demeſn as of Fee tail, that is to ſay, to him and the Heirs Males of his bo-

dy iſſuing, and the aforeſaid late King *Henry* the 8th. was ſeiſed of the Reverſion thereof, as of Fee and Right; and ſo thereof being ſeiſed, The ſaid late King afterwards, and before the time, in which, &c. at *Weſtminſter* aforeſeid dyed of ſuch his Eſtate thereof ſeiſed. After whoſe death, The Reverſion of the aforeſaid Manor of *Abbotteſley* with the Appurtenances whereof, &c. deſcended to the Lord *Edward* late King of *England* the 6th. as Son and Heir of the aforeſaid late King *Henry* the 8th. By which, The ſaid late King *Edward* the 6th. was ſeiſed of the Reverſion of the ſaid Manor with the Appurtenances as of Fee and right, and ſo thereof being ſeiſed, The ſaid late King *Edward* the 6th. afterwards, and before the time in which, &c. at *Weſtminſter* aforeſ. dyed of ſuch his eſtate therof ſeiſed, without iſſue of his body iſſuing; After whoſe death the Reverſion of the aforeſaid Manor of *Abbotteſly*, with the appurtenances deſcended to the Lady *Mary*, late Queen of *England*, as Siſter and Heir of the ſaid late King *Edward* the 6th. By which the ſaid late Queen *Mary*, was ſeiſed of the ſaid Reverſion, as of Fee and right, and ſo thereof being ſeiſed, the ſaid late Queen *Mary* afterwards, and before the time in which, &c. at *Weſtminſter* aforeſaid, dyed of ſuch her Eſtate thereof ſeiſed, without iſſue of her body iſſuing. After whoſe death, the ſaid Reverſion did deſcend to the ſaid Lady the Queen that now is, as Siſter and Heir of the aforeſaid late Queen *Mary*: By which, the ſaid Queen that now is, was ſeiſed of the ſaid Reverſion as of Fee and right; and the ſaid Lady the Queen that now is, ſo thereof being ſeiſed, and the aforeſaid *Walter Walſh*, the Son, of the aforeſaid Manor of *Abbotteſley*, whereof, &c. in his demeſn as of Fee tail, in form aforeſaid being ſeiſed, The ſaid *Walter* afterwards, and before the time in which, &c. at *Abbotteſley* aforeſaid, dyed of ſuch his Eſtate thereof ſeiſed: After whoſe death, The ſaid Manor with the Appurtenances, whereof, &c. did deſcend to one *William Walſh* his Son, as Son and Heir of the body of the aforeſaid *Walter Walſh* the Son iſſuing. By which, the ſaid *William*, afterwards, and before the time in which, into the ſaid Manor with the Appurtenances whereof, &c. entred, and was thereof ſeiſed in his demeſn as of Fee tail, that is to ſay, to him and the Heirs Males of his body iſſuing, and ſo thereof being ſeiſed, The ſaid *William* afterwards, that is to ſay, the third day of *July*, in the year of the Reign of the ſaid Lady the Queen that now is, the 30th. at *Abbotteſley* aforeſaid, by his Indenture of Bargain and Sale, between *Robert* then Earl of *Leiceſter*, By the name of the Right Honourable *Robert* Earl of *Leiceſter*, Baron of *Denbigh*, of the both moſt Noble Orders of the Garter, and Saint *Michael* Knight, Lord High Steward of her Majeſties Houſhold, Lord Chief Juſtice of *Oyer* and *Terminer*, of all the Foreſts of her Majeſtie, and Chaces by South *Trent*, and one of her Majeſties moſt Honourable Privy Councel, of the one Part, And the aforeſ. *Willi. Walſh* by the name of *Will. Walſh* of *Witley*, in the County of *Worceſter* Eſq; of the other party made & afterwards the 8th. day of the ſaid Month of *July*, according to the form of the Statute in that Caſe made and provided, in the Court of the ſaid Lady the Queen that now is, at *Weſtminſter* aforeſaid, in the ſaid County of *Middleſex* then being in due manner of Record Inrolled, One part of which Sealed with the Seal of the ſaid *William Walſh*, the ſaid *Richard Buſhopp*, here in Court ſheweth forth, whoſe Date is the ſame third day of *July*, in the 30th. year aforeſaid, For, and in conſideration of a certain ſum of Money to the ſaid *William*, by the aforeſaid Earl of *Leiceſter*, then and there before had paid, bargained, and ſold to the ſaid Earl of *Leiceſter*; The

Wood

Wood aforesaid, with the Appurtenances in which, *&c.* To have and to hold to the said Earl of *Leicester*, his Heirs, and Assigns for ever. By colour of which aforesaid Bargain, and Sale, and Inrolment thereof, The said Earl of *Leicester*, into the Wood aforesaid, with the Appurtenances entred, and was thereof seised in his demesn as of Fee, and so thereof being seised, The said Earl of *Leicester* afterwards, that is to say, the 5th. day of *Septemb.* in the year of the said Lady the Queen that now is, the 30th aforesaid, at *Abbottesley* aforesaid dyed of such his Estate thereof seised without issue of his body issuing; After whose death the Wood aforesaid with the appurtenances, descended to *Ambrose* then Earl of *Warwick*, as Brother and Heir of the aforesaid late Earl of *Warwick*, By which, The said *Ambrose* Earl of *Warwick* into the Wood aforesaid with the appurtenances entred, and was thereof seised in his demesn as of Fee, and so thereof being seised, The said *Ambrose* Earl of *Warwick* afterwards, that is to say, the 24th. day of *January* in the year of the Reign of the said Lady the Queen that now is, the 32th. at *Abbottesley* aforesaid, By his Indenture, between him the said *Ambrose* Earl of *Warwick*, by the name of the Right Honourable *Ambrose*, Earl of *Warwick*, of the most Noble Order of the Garter Knight of the one part, and *Edward* then Earl of *Bedford*, and *William Russel* Knight, *Charles Morrison* Knight, & *Ambrose Copinger* Esquire, by the names of the Right Honourable *Edward* Earl of *Bedford*, *William Russell* Knight, *Charles Morrison* Knight, & *Ambrose Copinger* Esq. one part, of wch sealed with the Seal of the said *Ambrose* Earl of *Warwick*, the said *Richard Eushop* here in Court brings, whose date is the same day and year, For and in consideration of the natural entire and cordial love and affection, which the aforesaid *Ambrose* Earl of *Warwick* then had, and bore to his most dear and beloved then wife, the said *Ann* Countess of *Warwick* in the Information aforesaid above named, Daughter of the Right Honourable *Francis* Earl of *Bedford* deceased, Grandfather of the said *Edward* then Earl of *Bedford*, and Father of the said *William Russel*, as for and in consideration of a Mariage before that time had, between the aforesaid *Ambrose* then Earl of *Warwick*, and the aforesaid Lady *Ann* now Countess of *Warwick* then his wife, and for and in consideration of the encrease of the Joynture of the said *Ann*, before that time made in the respect of the aforesaid Mariage, & in consideration also of the better advancing of the said *Ann*, after the death of the said *Ambrose* then Earl of *Warwick*, if shee the said her beloved husband should survive, to support, and sustein her Honourable Estate, and to pay such debts, which the said Earl owed at the time of his death, and also such Legacies, as the said Earl by his last Will in writing should bequeath, The said Earl Covenanted and agreed for him, his Heirs, Executors, and Administrators, to and with the aforesaid *Edward* Earl of *Bedford*, *William Russell*, *Charles Morrison*, and *Ambrose Copinger*, their Heirs, and Assignes, and every of them, That immediatly from and after the Sealing and delivery of the said Indenture, The said Earl of *Warwick* his Heirs, and Assigns, and every of them should stand and be seised of, and in the Wood aforesaid with the appurtenances amongst other things, by the names of *Alton* Woods, otherwise *Alvington* Woods with the appurtenances, situate and being within the Parish of *Rock*, or elsewhere, within the several Counties of *Worcester*, and *Salop*, or any, or either of them, to the uses, intents, and purposes, afterwards in the said Indenture expressed and declared; that is to say, To the use of him the said *Ambrose* Earl of *Warwick* for the Term of his life, without impeachment of

any waſt; and after the deceaſe of him the ſaid Earl of *Warwick*, to the uſe of the aforeſaid *Ann* Counteſs of *Warwick*, in the Information aforeſaid named, by the name of the Lady *Ann*, Counteſs of *Warwick*, wife of him the ſaid Earl of *Warwick*, and the right Heirs of the ſaid *Ann* for ever; By colour of which Covenant and Grant aforeſaid, and by force of a certain Act of transferring of uſes into poſſeſſions in the Parliament of the aforeſaid Lord *Henry*, late King of *England* the 8th. Father of the ſaid Lady the Queen that now is, at *Weſtminſter* aforeſaid, the 4th day of *February*, in the year of his Reign the 27th. holden, made, and provided, The aforeſaid *Ambroſe* Earl of *Warwick* was ſeiſed of the Wood aforeſaid with the appurtenances, amongſt other things, in his demeſn, as of Freehold during his life, without impeachment of waſte, the remainder thereof, after the deceaſe of him the ſaid Earl of *Warwick*, to the aforeſaid *Ann*, late Counteſs of *Warwick*, and her Heirs expectant; And the ſaid *Ambroſe* Earl of *Warwick* ſo thereof being ſeiſed, the remainder thereof in form aforeſaid expectant, The ſaid Earl afterwards, that is to ſay, the aforeſaid 21th. day of *February*, in the year of the Reign of the Lady the Queen that now is, the 32th. aforeſaid, at *Abbotteſley* aforeſaid dyed, after whoſe death the ſaid *Ann*, now Counteſs of *Warwick*, into the Wood aforeſaid, with the appurtenances entred, and was, and yet is thereof ſeiſed in her demeſn as of Fee, by colour and force of the premiſes: By which the ſaid *Richard Buſhopp*, as ſervant unto the aforeſaid *Ann*, now Counteſs of *Warwick*, and by her Command, the aforeſaid 21th. day of *February*, in the year of the Reign of the ſaid Lady the Queen that now is, the 32th. aforeſaid, and the dayes and times aforeſaid, betwixt the ſame 21th. day of *February*, in the year 32th. aforeſaid, and the day of the exhibiting of the Information aforeſaid, into the Wood aforeſaid, with the appurtenances entred, and the Iſſues and Profits thereof by that time ariſing, to the uſe of the ſaid *Ann*, now Counteſs of *Warwick*, took and had, and doth yet take and have, as it was, and is lawful for him to do. And the aforeſaid *Richard* further ſaith, That the aforeſaid *William Walſhe*, yet over-liveth, and is in full life, that is to ſay, at *Abbotteſly* aforeſaid, without that, that the Wood aforeſaid with the appurtenances, or any parcel thereof, in the Hands and Poſſeſſion of the ſaid Lady the Queen that now is, is, or before this was, or of Right ought to be in manner and form, as in & by the Information aforeſaid it is ſuppoſed; And without that, that the ſaid *Richard Buſhopp*, in or upon the poſſeſſion of the ſaid Lady the Queen that now is, of the Wood aforeſaid with the appurtenances, or any part thereof Entred, Intruded, or made Ingreſſe, in manner and form as by the Information aforeſaid it is ſuppoſed, and without that, that there is any Record, Roll, or Remembrance, beſides the Record of the Information aforeſaid, by which it may appear, that the Wood aforeſaid with the appurtenances, in the Information above ſpecified, or any parcel thereof in the Hands and Poſſeſſion of the ſaid Lady the Queen that now is, or ſtandeth, or of Right ought to be, or ſtand, in manner and form as in the Information aforeſaid above is ſuppoſed: All and ſingular which, the ſaid *Richard Buſhopp* is ready to aver, as unto the Court, *&c.* Whereupon, he prayeth Judgement, and that he as to the premiſes, from this Court be diſmiſſed. And becauſe the Court here, [illegible]aviſe of the Plea aforeſaid, before that further, *&c.* Day is given unto the aforeſ. *Rich. Buſhopp*, in ſtate, as now until 8. dayes of St. *Michael*, At which day the ſaid *Richard Buſhopp*,

came

came here as before; And the ſaid Attorny General of the ſaid Lady the Queen that now is, who for the ſaid Lady the Queen proſecutes, preſent here in Court in his proper perſon for his ſaid Lady the Queen, by Proteſtation, not acknowledging any thing in the Plea aforeſaid of the ſaid *Richard Buſhopp*, by him above pleaded, to be true in manner and form as the ſaid *Richard* in his Plea aforeſaid above hath pleaded: Yet for Reply, the ſaid Attorny of the ſaid Lady the Queen, for the ſame Lady the Queen ſaith, That the Plea of the *Richard Buſhopp*, as to the Entry, Intruſion, and ingreſſe aforeſaid, in the aforeſaid Wood, by him the ſaid *Richard*, in the Information aforeſaid to be done ſuppoſed, is not ſufficient in Law to diſcharge the ſaid *Richard* of the ſaid Entry, Intruſion, and ingreſſe, whereupon for default of ſufficient Anſwer in this behalf, The ſaid Attorny of the Lady the Queen, for the ſaid Lady the Queen prayeth Judgement, And that the aforeſaid *Richard*, of the ſame Entry, Intruſion, and Ingreſſe, by the aforeſaid *Richard*, thereof ſuppoſed to be done be convicted; And the ſaid *Richard* ſaith, That he ſufficient matter in Law, to barr the ſaid Lady the Queen that now is, from the poſſeſſion of the aforeſaid Wood, in the ſaid Information ſpecified, and of every parcel thereof above in barr and excluſion of the Information hath alleged, which he is ready to averr, as unto the Court, *&c.* Which matter aforeſaid, The Attorny of the Lady the Queen, for the ſame Queen doth not deny, nor to the ſame any wayes for the ſaid Lady the Queen Anſwereth, but the Averment aforeſaid to admit altogether doth refuſe; Wherefore as before the ſaid *Richard* demandeth Judgement, and that he as to the Premiſes from this Court be diſmiſſed, *&c.* And becauſe the Barons here will aviſe themſelves of & upon the Premiſes, whereof the aforeſaid *Richard* hath above put himſelf in Judgement of the Court, before that they give Judgement thereof, Further day is given to the aforeſaid *Richard Buſhopp* here until in 8. dayes of St. *Hillary*, to hear their Judgement thereof, becauſe the ſaid Barons thereof not yet, *&c.* And as to the Tryal of the Iſſue aforeſaid by the Country to be tryed, above joyned, It is commanded to the Sherif of the aforeſaid County of *Worceſter*, that he do not omit, *&c.* And that he cauſe to be here at the ſaid 8. dayes of St. *Michael*, 12. good and lawful Men of the Neighbourhood of *Alton*, otherwiſe *Alvington*, and *Rock*, in the ſaid County, whereof each, *&c* by whom, *&c.* and who neither, *&c.* And the ſame day is given here to the ſame *Richard Buſhopp* here, *&c.* At which day cometh the ſaid *Richard Buſhopp*, by his Attorny aforeſaid, And as to the aforeſaid Writ of *Venire Facias*, the Sherif thereof did nothing, nor ſent that Writ; Therefore as to the Tryal of the Iſſue aforeſaid, as at firſt, It was commanded to the Sheriffs of the aforeſaid County of *Worceſter*, that he do not omit, *&c.* And that he cauſe to be here from the day of *Eaſter*, in 15. dayes, 12, *&c.* To Recognize in form aforeſaid, *&c.* And the ſame day is given thereof here, to the aforeſaid *Richard Biſhopp*, And becauſe the Barons here will further aviſe with themſelves of and upon the Premiſes, whereof the aforeſaid *Richard Biſhopp*, above puts himſelf in Judgement of the Court, day thereof is further given to the aforeſaid *Richard Buſhopp*, here until from *Eaſter-day* in 15. dayes, to hear thereof their Judgement, becauſe the ſaid Barons thereof are not yet, *&c.* At which day cometh the ſaid *Richard Biſhopp* by his Attorny aforeſaid: And as to the aforeſaid Writ of *Venire Facias*, the Sherif thereof did nothing, nor ſent that Writ; Therefore as to the Tryal of the Iſſue aforeſaid, as at firſt, It is

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Commanded to the Sherif of the aforeſaid County of *Worceſter*, that he do not omit, *&c.* And that he cauſe to come here in 8. dayes of *Holy Trinity*, 12, *&c.* to know in form aforeſaid, and the ſame day is given thereof here, to the aforeſaid *Richard Buſhop*, and becauſe the Barons here will farther aviſe themſelves of and upon the premiſes, whereof the ſaid *Richard Buſhop* above put himſelf in the Judgement of the Court, farther day is given to the aforeſaid *Richard Buſhop* here, to hear their Judgement thereof, becauſe the ſame Barons thereof are not yet, *&c.* At which day here cometh the aforeſaid *Richard Buſhop* by his Attorny aforeſaid, and as to the aforeſaid writ of *Venire facias*, the Sherif did nothing thereof, nor ſent that writ, therefore as to the tryal of the Iſſue aforeſaid, as before it was commanded to the Sheriff of the aforeſaid County of *Worceſter*, that he do not omit, *&c.* And that he cauſe to come here, in 8 dayes of Saint *Michael* 12 *&c.* to recognize in form aforeſaid, *&c.* And the ſame day thereof is given here, to the aforeſaid *Richard Buſhop*, and becauſe the Barons here will farther aviſe themſelves of and upon the premiſes, whereof the aforeſaid *Richard Buſhopp* above put himſelf in the Judgement of the Cour, farther day is given to the aforeſaid *Richard Buſhop* until the aforeſaid 8 dayes of Saint *Michael* to hear thereof their Judgement, becauſe the ſame Barons thereof are not yet, *&c.* At which day cometh the ſaid *Richard Buſhop*, by his Attorny aforeſaid, and as to that writ of *Venire facias*, the Sheriff did nothing, nor ſent that writ; Therefore to try the iſſue aforeſaid, as at firſt, it was commanded to the aforeſaid Sheriff of the County of *VVorceſter*, that he do not omit, *&c.* and that he cauſe to come here from the day of Saint *Hillary* in 14 dayes 12, *&c.* And the ſame day is given here to the aforeſaid *Richard Buſhopp*, and becauſe the ſaid *Richard Buſhop* above put himſelf on the Judgemtut of the Court, farther day is given to the aforeſaid *Richard Buſhopp* here until from the ſaid day of Saint *Hillary* in 15 dayes to hear their judgement thereof, becauſe the Barons here thereof are not as yet, *&c.* At which day cometh the ſaid *Richard Buſhopp* by his Attorny aforeſaid, and the Barons here the premiſes being ſeen whereof the aforeſaid *Richard Buſhopp* put himſelf upon in the Judgement of the Court, and mature deliberation thereof amongſt them being had, Becauſe it ſeemeth to the Barons that the plea aforeſaid of the ſaid *Richard Buſhopp* thereof by him in manner and form above pleaded is ſufficient in Law to diſcharge the ſaid *Richard Buſhop* of the Entry, Intruſion, and Ingreſſe by him above ſuppoſed to be done in the aforeſaid Wood called *Alton*, otherwiſe *Alvington* Wood in the ſaid Information ſpecified the aforeſaid 21th. day of *February* in the year of the Reign of the Lady the Queen that now is the 32th. and from the ſaid 21th. day of *February* until the aforeſaid day of exhibiting of the ſaid Information, that is to ſay, the 27th day of *June* in the yeer of the Reign of the ſaid Lady the Queen the 37th and of the taking of the Iſſues and Profits thereof for that time ariſing. It is granted by the Barons, that the aforeſaid *Richard Buſhopp*, as to the aforeſaid Entry, Intruſion, and Ingreſſe by him above ſuppoſed to be done in the aforeſaid Wood called *Alton*, otherwiſe *Alvington* Wood in the Information ſpecified the aforeſaid 21th. day of *February* in the yeer of the Reign of the Lady the Queen that now is, the 32th. and from the ſaid 21th. day of *February* untill the aforeſaid day of the exhibiting of the ſaid Information, that is to ſay, the 20th. day of *June*, in the yeer of the Reign of the ſaid Lady Queen the 37th. and as to the taking of the Iſſues and Profits thereof for that time ariſing,

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go thereof at preſent, without day, ſaving alwayes the right of the Queen if at another time, *&c.* And as to the tryal of the Iſſue aforeſaid above joyned by the Country to be tryed, it is commanded to the Sheriff of the aforeſaid County of *Worceſter* as at firſt, that he do not omit, &c. And that he cauſe to come here from the day of *Eaſter* in 15 dayes 12, &c. And the ſame day is given here to the aforeſaid *Richard Buſhopp*: At which day, the ſaid *Richard Buſhopp* come hereas at firſt, & the aforeſ. Attorny General of the ſaid Lady the Queen that now is, who for the ſaid Lady the Queen proſecutes, preſent here in Court at the ſame day in his proper perſon, and by the Barons being ſpoken to and asked, If he againſt the ſaid *Richard Buſhopp* for the tryal of the aforeſaid Iſſue above by the Country would farther proſecute; ſaid that No; upon which, the premiſes being ſeen by the Barons here, and mature deliberation being had amongſt them thereof, it is granted, by the ſaid Barons, that the aforeſaid *Richard Buſhopp* as to the tryal of the ſaid Iſſue, go without day at preſent, ſaving alwaies to the Queen her Action If at another time, *&c.* And afterwards, that is to ſay, the 11th. day of *April* in the yeer of the ſaid Lady Queen that now is the 39th, the ſaid Lady the Queen ſent here her writ under the great Seal of *England* to the Treſurer and Barons of this Court of Exchequer directed, the Tenor of which followeth in theſe words. ſſ. *Elizabeth*, by the grace of God of *England*, *Scotland*, *France* and *Ireland* Queen, defender of the Faith, *&c.* To the Treſurer and Barons of her Exchequer Greeting: Becauſe in the Record and proceſs; and alſo in giving of Judgement in the plaint wch was in our Court before you the aforeſaid Barons of our Exchequer aforeſaid, in the yeers of our Reign the 37th. By Bil between us and *Richard Buſhopp*, of certain treſpaſſes and intruſions, in certain of our Woods with the appurtenances called *Alton*, otherwiſe *Alvington* Woods, conteyning by eſtimation, 3000 Acres of Wood, manifeſt Error hath entervened to our great damage. And whereas in the ſtatute in the Parliament of the Lord *Edward* late King of *England* the 3d. our progenitor, at *Weſtminſter*, and in the year of his Reign the 31th. holden, made, amongſt other things, It is agreed and eſtabliſhed, that in all caſes the King or other perſons touching where any one complaineth of Error made in the proceſs in the Exhequer, The Chancellor and Treſurer cauſe to come before them in ſome Chamber of Counſel nigh to the Exchequer the Record of the proceſs of the ſame out of the Exchequer, and taking to them the Juſtices and ſuch like ſages, as to them ſhall ſeem fit to be taken, They cauſe to be called before them the Barons of the Exchequer aforeſaid, to hear their Informations, and the cauſes of their Judgement, and the buſineſs thereupon to be duly examined. And if any Error was found, the ſame to be corrected and the Rolls to be amended, and afterwards them in the ſaid Exchequer to do execution thereof to be remitted as belongeth, as in the ſaid Statute it is conteyned: We therefore willing, Errors if any ſuch were, according to the form of the ſtatute aforeſaid to be corrected, and ſpeedy Juſtice to be done in that behalf, Command you that if Judgement thereof be given then the Record and proceſs aforeſaid with alll things concerning the ſame, before our beloved & faithful Counſellor *Tho. Egerton Kt.* keeper of our great Seal of *England*, and how the aforeſaid Treſurer in the Councel Chamber next to the Enchequer aforeſaid called the Councel Chamber, upon *Tueſday*, that is to ſay, the 21th. day of the moneth of *April*, you cauſe to come. And to the ſame Keeper of our great Seal, and

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you the aforeſaid Treſurer, the Record being ſeen and examined, and the proceſs aforeſaid, and your informations being heard, and you the aforeſaid Barons further in this part with the Councel of the Juſtices and other ſages aforeſaid Cauſe to be done, what of right and according to the form of the Statute was to be done. Witneſſe my ſelf at *Weſtminſter* the 11th. day of *April* in the yeer of our Reign the 39th. *Symons*. At the ſaid 29th. day of the ſaid Moneth of *April*, the aforeſaid Worthy Man *Thomas Egerton* Kt. Keeper of the great Seal of *England*, and *VVilliam Lord Burghley Lord* Treſurer of *England*, cauſed to come before them the Record aforeſaid, in the aforeſaid Chamber next to the *Exchequer* aforeſaid, called the Councel Chamber, and at the ſaid day and place came before the Lord Keeper of the great Seal, and the Lord Treſurer, the aforeſaid Atorney General of the Lady the Queen, and for the ſaid Lady the Queen ſaid, that in the Record and proceſs aforeſaid, and in the giving of the Judgement aforeſaid of and upon the aforeſaid demurrer in Law it is diverſly Erred, that is to ſay, that the aforeſaid *Richard Buſhopp* by his plea in barr of the information aforeſaid pleaded doth ſuppoſe, that the aforeſaid late *King Henry* the 7th. was ſeiſed of the reverſion of the manor aforeſaid with the appurtenances whereof, *&c.* As of Fee and Right in the right of his Crown of *England* by colour of the Attainder of the aforeſaid *Edward* late Earl of *VVarwick*, and by the force of the aforeſaid Act of *Parliament*, in the yeer of the Reign of the ſaid late King the 19th. in the Barr aforeſaid mentioned, by which Act it was enacted, that the aforeſaid *Edward* late Earl ſhould forfeit to the ſaid late King all his Mannors, Lands, Tenements and Hereditaments, whereas, the aforeſaid late King by vertue of the Attainder and Act of *Parliament* aforeſaid as before is ſaid made, could not be ſeiſed of the Reverſion aforeſaid, before inquiſition thereof taken, and of record remaining, by which it ſhould be found, that the aforeſaid Earl at the time of the treaſon aforeſaid by him committed, or ever after was ſeiſed of the ſaid Reverſion, as of Fee and right, and in this, that the aforeſaid *Richard* doth ſuppoſe, that the aforeſaid late King *Henry* the 7th. dyed ſeiſed of that Reverſion, and that the ſaid Reverſion deſcended to the aforeſaid late King *Henry* the 8th. as Son and Heir of the aforeſaid late King *Henry* the 7th. Whereas in fact the ſaid Reverſion did not deſcend to the ſaid late King *Henry* the 8th. nor by the Lawes of this Kingdom, could deſcend before the Inquiſition thereof for the aforeſaid late King *Henry* the 7th. thereof to be found and of Record to remain. And in this, that the ſaid *Richard Buſhopp* ſuppoſeth that by a certain Inquiſition taken at the Caſtle of *VVorceſter* the 5th. day of July in the yeer of the Reign of the aforeſaid late King *Henry* the 8th the 23th. before *Roger VVinter* Eſquire then Eſcheator of the ſaid late King in the ſaid County, by virtue of his office, It was found that the aforeſaid *Edward* late Earl of *VVarwick*, was ſeiſed of the Reverſion of the Manor aforeſaid, as of Fee and Right, and ſo thereof being ſeiſed, the aforeſaid Act in the aforeſaid *Parliament* of the aforeſaid late King *Henry* the 7th. in the 19th. yeer of his Reign aforeſaid, was made in Manner and form aforeſaid and that by Colour of the ſaid Act of *Parliament* aforeſaid, the late King *Henry* the 7th. was ſeiſed of the Reverſion aforeſaid, as by the Inquiſition aforeſaid in the Court of Chancery of the ſaid Lady the Queen at *VVeſtminſter* in due manner reſerved and here of Record remaining, more fully appeareth. Whereas every Inquſition taken upon whatſoever Attainder of High-Treaſon, taken before

before the Eſcheator, by virtue of his Office ought to be retorned into the Court of the Kings *Exchequer*, and there ought to be filed, and not in the Court of *Chancery*. And if in the Court of *Exchequer* retorned, and there of Record it be not filed, then the ſaid inquiſition is void, and of no force in Law. And in this, That whereas the aforeſaid *Richard Buſhopp* ſuppoſeth, That the aforeſaid late King *Henry* the 8th. the 3d. day of *November*, in the yeer of his Reign the 23th. by his Letters Patents under his great Seal of *England* ſealed, bearing date the ſame day and yeer, reciting, That whereas the ſaid late King, the 12th. day of *October*, in the 12th. yeer of his Reign, had given, and granted, to the aboveſaid *Walter Walſhe*, the Mannor of *Grafton Fleuard* with the appurtenances, for the Term of the life of the ſaid *VValter*, and whereas, the ſame late King, the 6th. day of *December*, in the yeer of his Reign the 21th. by other his Letters Patents, had given, and granted, to the aboveſaid *VValter*, and to one *Elizabeth* then his Wife, The aforeſaid Mannor of *Charleton* with the appurtenances, in the ſaid County of *Somerſet*, To have, and to hold, to the ſaid *VValter* and *Elizabeth*, and the longer liver of them, The late King *Henry* the 8th. for that, that the ſaid *VValter*, the aforeſaid Letters Patents, to him of the aforeſaid Mannor of *Grafton Fleuard*, and the ſaid *VValter*, and the aforeſaid *Elizabeth*, the ſaid Letters Patents to them of the aforeſaid Mannor of *Charleton*, in form aforeſaid made, to the ſaid late King *Henry* the 8th. in his *Chancery* had delivered up there to be cancelled; By the ſaid letters patents, gave and granted to the aboveſaid *VValter* and *Elizabeth*, the aforeſaid Manor of *Aboteſly* with the appurtenances whereof, &c. to have and to hold to them the ſaid *VValter* and *Elizabeth*, and to the heirs males of the bodie of the ſaid *VValter* begotten: And the aforeſaid *Richard Buſhopp* in his plea aforeſaid hath not ſhewed in fact, that the aforeſaid late King *Henry* the 8th. by his letters patents had given and graunted to the afore ſaid *VValter* and *Elizabeth* the aforeſaid Mannor of *Charleton* with the appurtenances, to have and to hold to the ſaid *VValter* and *Elizabeth* for the Term of the longeſt liver of them, as by the Law he ought to have ſhewed, and becauſe expreſly it is not ſhewed in the ſaid plea, that the ſame grants were made, but only by way of recital, The aforeſaid Conſideration in the aforeſaid Letters Patents of the aforeſaid late King *Henry* the 8th. in the yeer of his Reign the 23th. aforeſaid made, are void and inſufficient in Law, And the ſaid late King, In his grant aforeſaid, by reaſon thereof was deceived. And in this, That the aforeſaid *Richard*, in his Plea aforeſaid allegeth, that the aforeſaid *VValter* and *Elizabeth*, the ſaid Letters Patents to them of the aforeſaid Mannor of *Charleton*, made in the *Chancery* of the ſaid late King *Henry* the 8th. had ſurrendred and procured to be cancelled, By which the Eſtate of the ſaid *VValter* and *Elizabeth*, of and in that Mannor was determined; Whereas, by the Law of the Land, the eſtate of the ſaid *Elizabeth*, then being under Covert Baron by the ſurrendring and cancelling of the ſaid Letters Patents was not determined, or ſurrendred up. And upon this, That whereas, the aforeſaid *Richard Buſhopp* in his pleading alleged, That by the aforeſaid Act of Parliament of the ſaid late King *Henry* the 8th. the 8th. day of *June*, in the 28th. year of his Reign made, it was Enacted, That the ſaid late King *Henry* the 8th. his Heirs, and Succeſſors ſhould have, hold, and enjoy all and ſingular the Mannors aforeſaid, with the appurtenances in Fee ſimple, ſaving alwayes to all perſon and perſons, Bodies politique and Corporate, their Heirs and

Succeſſors, and to the Heirs and Succeſſors of every of them, other than to the aforeſaid late Counteſs of *Warwick*, and her Heirs, and the Heirs of the ſaid *Richard* late Earl of *Warwick*, Brother of the ſaid late Counteſs, all ſuch Rights, Titles, Uſes, Intereſts, Term of years, demiſe, demiſes, Entries, Actions, Grants, and Conditions, which he, or any of their Heir, or the Heirs, or Succeſſors of any of them have or had, or might to have, or ought to have had, if the ſaid Act of Parliament had never been made, any thing in the ſaid Act to the contrary thereof notwithſtanding. And the aforeſaid *Richard Buſhopp* in his Plea aforeſaid, doth not allege in fact, That the aforeſaid *Ann*, now Counteſs of *Warwick*, in whoſe Right, and as Servant of which Counteſs, the ſaid *Richard* makes Juſtification of the Treſpaſs, and Intruſion aforeſaid, was not Heir of the ſaid *Richard* late Earl of *Warwick*, as by the Law of the Land it ought to be ſhewed; and in this, that by the ſaid Act of the 28th. aboveſaid, The aforeſaid Mannor of *Abbotteſley* with the appurtenances, whereof *&c.* was given by expreſs words, to the ſaid late King *Henry* the 8th. his Heirs and Succeſſors, and thereof the ſaid Saving in the ſame Act mentioned, is repugnant and void, to reſerve any right in that Mannor to any other perſon, and therefore the aforeſaid *Walter Walſhe*, and *Elizabeth* his wife, to have or claim any right or eſtate of, or in the ſaid Mannor, by force of the ſaid Act of Parliament are barred. And in this, That whereas, the aforeſaid Plea of the ſaid *Richard Buſhopp* above in Barr pleaded, is inſufficient in Law to diſcharge, or excuſe him the ſaid *Richard*, of the Treſpaſs, intruſion, and ingreſs aforeſaid, upon which Plea the aforeſaid Attorney, of the ſaid Lady the Queen had demurred in Law, and demanded Judgement there for the ſaid Lady the Queen, yet that notwithſtanding, it is adjudged by the Barons, That the Plea of the ſaid *Richard* is ſufficient in Law, him the ſaid *Richard* of the Entry and Intruſion into the aforeſaid Wood called *Alton-wood*, otherwiſe *Alvington-wood*, the aforeſaid firſt day of *February*, in the year of the Reign of the ſaid Lady the Queen that now is the 32th, and from the ſame day, until the exhibiting of the Information aforeſaid, and of the taking of the iſſues and profits thereof by that time to diſcharge. And ſo the ſame Attorney General for the ſaid Lady the Queen ſaith, That in the Record, and proceſs aforeſaid, and in the giving of the Judgement aforeſaid, it is manifeſtly erred. And thereupon, the ſaid Attorney of the ſaid Lady the Queen, for the ſaid Lady the Queen prayeth, That the Judgement aforeſaid for thoſe Errors, and others in the Record and Proceſs aforeſaid be revoked, annulled, and be had for nothing. And alſo a Writ to warn the aforeſaid *Richard Buſhopp* to be here before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer, at a certain day, to hear the Record and Proceſs aforeſaid, as alſo the aforeſaid Errors which he the ſaid Attorny General of the ſaid Lady the Queen that now is there alleged, and it is granted unto him; And it is commanded to the Sherif of the ſaid County of *Worceſter*, That by good and lawful men of his Balywick, he give warning to the ſaid *Richard Buſhop*, that he before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer, in the Chamber aforeſaid, upon *Tueſday*, falling the 26th. day of the ſaid Moneth of *April*, to hear in form aforeſaid if, *&c.* And further, *&c.* that to the Court, *&c.* At which day, the ſame Sherif, that is to ſay, *Edward Harwell Eſquire*, retomed the Writ aforeſaid, and ſent that the ſaid Writ was ſo late delivered unto him, that for the ſhortneſſe of the time he could not execute it, Yet the aforeſaid

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Richard Buſhop, before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer, at the ſame day comes into the Chamber aforeſaid, by *Arthur Salmay* his Attorny, and demands the hearing of the Record, and of the Proceſſe, as alſo of the aforeſaid Errors, and they are read unto him. Which being read and heard, The ſaid *Richard* ſaith, That in the Record and Proceſſe aforeſaid, and in the giving of the Judgement aforeſaid, it is in nothing erred, and prayeth, That the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer, do proceed aſwell to the Examination of the Record and Proceſſe, as to the aforeſaid matters for Errors alleged, according to the form of the Statute aforeſaid, And the aforeſaid Attorny of the ſaid Lady the Queen ſaith as above, and prayeth likewiſe, *&c.* And becauſe the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer, will aviſe themſelves of and upon the premiſes before they give their Judgement thereof, day is given here to the aboveſaid *Richard Buſhop*, in the Chamber aforeſaid, until the next day after *Tueſday*, falling the 3d. day of *May*, to hear their Judgement thereof, *&c.* At which day, before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer, into the Chamber aforeſaid, the ſaid *Richard Buſhop*, comes by his Attorny aforeſaid, And becauſe the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer, are not yet aviſed of giving their Judgement of and upon the premiſes, further day is given to the aboveſaid *Richard Buſhop*, in the Chamber aforeſaid, until the firſt *Tueſday*, following the Term of the *Holy Trinity*, to hear their Judgement thereof, *&c.* At which day, before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer, in the Chamber aforeſaid, comes the aforeſaid *Richard Buſhop*, by his Attorny aforeſaid, And becauſe the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer, are not yet aviſed of giving their Judgement of and upon the premiſes, further day is given to the aboveſaid *Richard Buſhop*, in the Chamber aforeſaid, until the ſecond *Tueſday*, in the Term of *Michael* next comming, to hear their Judgement thereof, *&c.* At which day, the aforeſaid Lord Keeper of the Great Seal, and Lord Treaſurer, in the Chamber aforeſaid did not come, But *John Popham Knight*, and *Edward Anderſon Knight*, Chief Juſtices of each Bench come at the ſame day, and then are there preſent, according to the form of the Statute in ſuch caſe made, And the aforeſaid *Richard Buſhop*, in the Chamber aforeſaid, comes by his Attorny aforeſaid, before the ſaid Juſtices, And the aforeſaid Buſineſs, and Sute of Errors, by the ſaid Juſtices is adjorned and continued, by virtue of the ſaid Statute until *Tueſday* next, And the ſame day is given to the aforeſaid *Richard Buſhop*, to hear their Judgement thereon, *&c.* At which day, before the aforeſaid Lord Keeper of the Great Seal, and Lord Treaſurer, in the Chamber aforeſaid, comes the aforeſaid *Richard Buſhop*, by his Attorny aforeſaid, And becauſe the aforeſaid Lord Keeper of the Great Seal, and Lord Treaſurer, are not yet aviſed of giving their Judgement of and upon the premiſes, further day is given to the aforeſaid *Richard Buſhopp*, in the Chamber aforeſaid, until *Tueſday*, falling the 8th of *November* following, to hear their Judgement thereof, *&c.* At which day, before the aforeſaid Lord Treaſurer, and the aforeſaid Chief Juſtices, preſent in the Chamber aforeſaid, comes the aforeſaid *Richard Buſhopp* by his Attorny aforeſaid, and becauſe for the abſence for the aforeſaid Lord Keeper of the Great Seal, in the aforeſaid Buſineſſe and Sute of Error, it cannot be proceeded, the ſame cauſe is continued and adjorned by them,

the Lord Treaſurer, and Chief Juſtices, by virtue of the Act aforeſaid made, until *Tueſday*, falling the 22th. day of *November* then next following, in the Chamber aforeſaid, And the ſame day is given to the aforeſaid *Richard Buſhop*, in the ſame Chamber, to hear his Judgement thereof, *&c.* At which day, before the aforeſaid Lord Keeper of the Great Seal, and the aforeſaid Juſtices, in the Chamber aforeſaid, comes the aforeſaid *Richard Buſhop*, by his Attorny aforeſaid, & the aforeſaid Lord Treaſurer, there then not comming, the Buſineſs and Sute of Errors aforeſaid, is continued and adjorned by them, the Lord Keeper of the Great Seal, and the Chief Juſtices, by virtue of the aforeſaid Act thereof made, until the ſecond *Tueſday*, in the Term of St. *Hillary* then next following, and the ſame day is given to the aforeſaid *Richard buſhop*, in the Chamber aforeſaid, to hear their Judgement thereof. At which day the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer, came not in the Chamber aforeſaid, but the aforeſaid Chief Juſtices of each Bench, came into the ſame Chamber, and are there preſent, And the aforeſaid *Richard Buſhop*, at the ſame day in the Chamber aforeſaid, before the ſaid Juſtices, likewiſe cometh by his Attorny aforeſaid, and the aforeſaid Buſineſs and Sute of Errors is continued and adjorned further, by virtue of the Statute aforeſaid thereof made, until the firſt *Tueſday* in the Term of *Eaſter* next following, And the ſame day is given to the aforeſaid *Richard Buſhopp*, in the Chamber aforeſaid, to hear their Judgement, *&c.* At which day before the aforeſaid Lord Keeper of the Great Seal, and the aforeſaid Chief Juſtices, comes here the aforeſaid *Richard Buſhop*, in the Chamber aforeſaid, by his Attorny aforeſaid, and the ſaid Lord Treaſurer then and there not comming, the aforeſaid Buſineſs and Sute of Errors is continued and adjorned, by the Statute aforeſaid thereof made, further until the laſt *Tueſday* of the aforeſaid Term of *Eaſter*, in the Chamber aforeſaid, and the ſame day is given to the aforeſaid *Richard Buſhop*, in the Chamber aforeſa. to hear their Judgement thereof, *&c.* At which day, the aforeſaid Lord Keeper of the Great Seal, and the Lord Treſurer aforeſaid, come not; But the aforeſaid Chief Juſtices come into the ſame Chamber, and are there preſent; And the aforeſaid *Richard Buſhop*, likewiſe cometh by his Attorny aforeſaid, and the aforeſaid Buſineſs and Sute of Errors by them is continued and adjorned, further by virtue of the Statute aforeſaid thereof made, until the firſt *Tueſday* in the Term of the *Holy Trinity* then next following, and the ſame day is given to the aforeſaid *Richard Buſhop*, in the Chamber aforeſaid, to hear their Judgement thereof, *&c.* At which day, before the Chief Juſtices, in the Chamber aforeſaid, cometh the aforeſaid *Richard Buſhop*, by his Attorny aforeſaid, and becauſe, the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer, then and there come not, the aforeſaid Buſineſs and Sute of Erors, is continued and adjorned, according to the form of the Statute thereof made, further until *Tueſday* the 4th. day of *July*, in the ſame Term of the *Holy Trinity*, & the ſame day is given to the aforeſaid *Ric. Buſhop*, in the Chamber aforeſaid, to hear his Judgement thereof, *&c.* At which day, before the aforeſaid Chief Juſtices, in the Chamber aforeſaid, cometh the aforeſaid *Ric Buſhop*, by his Attorny aforeſaid, and becauſe the aforeſaid Lord Keeper of the Great Seal, & Lord Treaſurer come not, therfore the aforeſaid Buſineſs & Sute of Errors is continued and adjorned, according to the form of the Statute aforeſaid, further until the third *Tueſday*, in the Term of St. *Michael* next following, and the ſame day is given to the aforeſaid *Rich-*

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ard Buſhop, in the Chamber aforeſ. to hear their Judgment, therof *&c.* At wch day, before the aforeſaid Chief Juſtices, in the Chamber aforeſaid, cometh the aforeſaid *Richard Buſhop*, by his Attorny aforeſaid, And becauſe the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer come not, therefore the aforeſaid Buſineſs and Sute of Errors is continued and adjorned, by virtue of the Statute aforeſaid thereof made, further until the 21th. day of *November*, in the ſame Term of St. *Michael*, and the ſame day is given to th aforeſaid *Richard Buſhop*, in the Chamber aforeſa. to hear their judgment thereof, *&c.* e At which day, before the aforeſaid Chief Juſtices, in the Chamber aforeſaid, cometh the aforeſaid *Richard Buſhop*, by his Attorny aforeſaid, And becauſe the aforeſaid Lord Keeper of the Great Seal, and Lord Treaſurer come not, therefore the aforeſaid Buſineſſe and Sute of Errors is adjorned and continued, according to the form of the Statute aforeſaid, until the ſecond *Tueſday* of the Term of St. *Hillary* next following, And the ſame day is given to the aforeſ. *Rich. Buſhop*, to hear their Judgement thereof, *&c.* At which day, before the aforeſaid Chief Juſtices, in the Chamber aforeſaid, cometh the aforeſaid *Richard Buſhop*, by his Attorny aforeſaid, and becauſe the aforeſaid Lord Keeper of the Great Seal, and Lord Treaſurer come not, therefore the aforeſaid Buſineſs and Sute of Errors is continued and adjorned, by virtue of the Statute aforeſaid thereof made, further until the firſt *Tueſday* in the Term of *Eaſter* then next following, and the ſame day is given to the aforeſaid *Richard Buſhop*, in the Chamber aforeſaid, to hear their Judgement thereof, *&c.* At which day, before the aforeſaid Chief Juſtices, in the Chamber aforeſaid, cometh the aforeſaid *Richard Buſhop*, by his Attorny aforeſaid, and becauſe the aforeſaid Lord Keeper of the great Seal, and the Lord Treaſurer, come not, therefore the Buſineſs and Sute of Errors aforeſaid, is continued and adjorned, according to the form of the Statute aforeſaid, until the firſt *Tueſday*, in the Term of the *Holy Trinity* next following, And the ſame day is given to the aforeſaid *Richard Buſhop*, in the Chamber aforeſ. to hear their Judgement thereof. At which day before the aforeſaid *Thomas Egerton Knight*, Lord Keeper of the Great Seal, and *Thomas* Lord *Buckherſt*, now Lord Treaſurer of *England*, in the Chamber aforeſaid, cometh the aforeſaid *Richard Buſhop*, by his Attorny aforeſaid And the aforeſaid Attorny of the Lady the Queen, for the ſaid Lady the Queen, as at firſt prayeth, *&c.* And becauſe the aforeſaid Lord Keeper of the Great Seal, and Lord Treaſurer, will further aviſe of giving their Judgement of and upon the premiſes, before, *&c.* Further day is given to the aforeſaid *Richard Buſhop*, in the Chamber aforeſaid, until the ſecond *Tueſday* in the term of St. *Michael* then next following, to hear their Judgement therof, *&c.* At which day, before the aforeſaid Lord Keeper of the great Seal, and the Lord Treſurer, in the Chamber aforeſaid, cometh the aforeſaid *Richard Buſhopp* by his Attorny aforeſaid, and beeauſe the aforeſaid Lord Keeper of the Great Seal, and Lord Treſurer are not aviſed yet of giving their Judgement of and upon the premiſes, day further is given to the aforeſaid *Richard Buſhopp* in the Chamber aforeſaid, untill *Tueſday* the 23th. day of *October*, the ſame Term of St *Michael*, to hear their Judgement thereof, *&c.* At which day, before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treſurer in the Chamber aforeſaid, cometh the aforeſaid *Richard Buſhop* by his Attorney aforeſaid, and becauſe the aforeſaid Lord Keeper of the Great Seal, and Lord Treſurer are not yet aviſed of giving their Judgment

ment of and upon the premiſes, day further is given to the aforeſaid *Richard Buſhopp* in the Chamber aforeſaid, untill *Tueſday* the 30th. day of the ſaid *Moneth* of *October*, the ſame Term of Saint *Michael*, to hear their Judgement thereof, *&c.* At which day the aforeſaid Lord Keeper of the Great Seal, and Lord Treſurer, do not come in the Chamber aforeſaid, but the aforeſaid Chief Juſtices in the Chamber aforeſaid come, and the aforeſaid *Richard Buſhopp* at the ſame day, in the ſame Chamber, and before the ſame Juſtices, likewiſe cometh by his Attorny aforeſaid: And the aforeſaid buſineſs and ſute of Errors is continued and adjorned by virtue of the Statute aforeſaid thereof made, further untill *Tueſday* the 6th day of *November* the ſame Term of Saint *Michael*, and the ſame day is given unto aforeſaid *Richard Buſhopp* to hear their Judgement thereof, *&c.* At which day neither the aforeſaid Lord Keeper of the great Seal, nor Lord Treſurer, nor the aforeſaid Chief Juſtices come unto the Chamber aforeſaid, Afterwards, the ſaid Lady the Queen that now is ſent here, another her writ cloſe under her Great Seal, out of her Court of Chancerie, to the Treſurer and Barons of this Exchepuer directed, the Tenor of which writ followeth in theſe words. *ſſ. Elizabeth*, by the Grace of God of *England*, *France* and *Ireland* Queen, defender of the faith, *&c.* To the Treſurer and her Barons of her Exchequor Greeting, Becauſe in the Record and Proceſs, and becauſe of giving of Judgement in the plaint, which was in our Court before you the aforeſaid Barons of our Exchequer aforeſaid, in the Term of the *Holy Trinity*, in the yeer of our Reign the 37th. by Bill between us, and *Richard Buſhopp*, of certain Treſpaſs and Intruſion in certain Woods with the appurtenances called *Alton*, otherwiſe *Aluington* Wood, conteyning by eſtimation 3000 Acres of Wood in *Alton*, otherwiſe *Aluington* and Rock in our County of *Worceſtor*, manifeſt Error intervened to our great damage; and becauſe in the Statute in the Parliament of the Lord *Edward* late King of *England* the 3d. our Progenitor at *Weſtminſter*, in the 31th. yeer of his Reign holden, made, amongſt other things it is agreed unto, and eſtabliſhed, that in all caſes the King or other perſons concerning, where any one complaineth of Error done in proceſs in the Exchequer, the Chancellor and Treſurer cauſe to come before them in ſome Chamber of Councel, nigh unto the Exchequer, the ſame Record and proceſs out of the ſaid Exchequer, and taking to them the Juſtices and other ſages, ſuch as to them they ſhall ſeem to be taken, to call before them the Barons of the Exchequer aforeſaid, to hear their Informations and the cauſes of their Judgement, and upon this buſineſs duly cauſe to be examined, and if any Error ſhould be found, the ſame cauſe to be mended and the Rolls amended, and after them into the Exchequer to do execution therof, to be ſent back as belongeth, as in the ſaid Statute it is conteyned. We therefore willing, Error, if any ſuch were according to the form of the Statute aforeſaid to be corrected, and full and ſpeedy Juſtice to be done, in his behalf command you, that if Judgement be thereof given, then the Record and Proceſs, aforeſaid with all things touching the ſame before our beloved and faitfull Councellor *Thomas Egerton* Knight Keeper of our Great Seal of *England*, and you, you the aforeſaid Treſurer, in the Chamber of Councel, nigh the Exchequer aforeſaid, called the Councel Chamber, upon *Tueſday*, that is to ſay, the 15th. day of *February* next comming, cauſe to come, that the ſame Keeper of our Great Seal and you the aforeſaid Treſurer the Record aforeſaid ſeeing and the proceſs aforeſaid

ſaid, and hearing your Informations, you the aforeſaid Barons cauſe to be done, what of right according to the form of the ſtatute aforeſaid was to be done. Witneſſe my ſelf at *Weſtminſter* the 29th. day of *January* in the yeer of the Reign the 42th. *Symons*. And at the aforeſaid 5th. day of *February*, in the aforeſaid Writ mentioned, The aforeſaid *Thomas Egerton Knight*, Keeper of the Great Seal of *England*, and *Thomas* Lord *Buckhurſt*, Lord Treſurer of *England*, cauſed to come before them the Record aforeſaid, in the aforeſaid Chamber, nigh the *Exchequer* aforeſaid, called the Council Chamber, And at the ſame day and place, come before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treſurer, the aforeſaid Attorny of the Lady the Queen, and for the ſaid Lady the Queen ſaith, That in the Record and proceſſe, and alſo in the giving of the Judgement aforeſaid, It is diverſly erred in manner and form, as by the aforeſaid Articles of Errors by him firſt alleged and aſſigned, above it is alleged. And for the ſaid Lady the Queen, prayeth another Writ of the Lady the Queen, to warn the aforeſaid *Richard Buſhopp*, to be before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treſurer, at a certain day to hear the Record and Proceſſe aforeſaid, and alſo the Errors aforeſaid, *&c.* and it is granted unto him. And it is commanded to the Sherif of the County of *Worceſter*, That by good and lawful men of his Balywick, he warn the ſaid *Richard Buſhopp* that he be before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treaſurer, in the Chamber aforeſaid at *Weſtminſter*, the firſt *Tueſday* in the Term of *Eaſter* next following, to hear the Record and Proceſſe aforeſaid, as alſo the Errors aforeſaid above alleged, and further, *&c.* What to the Court, *&c.* At which day, before the aforeſaid Lord Keeper, and Lord Treſurer in the Chamber aforeſaid, the Sherif of the County of *Worceſter* aforeſaid, that is to ſay, *William Childe Eſquire*, Returned the Writ aforeſaid endorced thus. *Iſſ.* By virtue of this Writ to me directed, I gave warning to the aforeſaid *Richard Buſhopp*, by *John Jolley*, *John Harris*, *Thomas Penington*, and *John Wemb*, good and lawful men of my Balywick, to be before the ſaid Keeper of the Great Seal, at the day and place within contained, as within to me is commanded. And upon this, the aforeſaid *Richard Buſhop*, by *Arthur Salway* his Attorny, at the ſame day in the Chamber aforeſaid, likewiſe cometh, and demands the hearing of the Record and Proceſſe, as alſo of the Errors aforeſaid, and they are read unto him, *&c.* Which being read and heard, the ſaid *Richard* ſaith, That in the Record and proceſſe aforeſaid, in nothing it is erred, And prayeth, That the aforeſaid Lord proceed to the Examination aſwel of the Record and Proceſſe aforeſaid, as of the buſineſſe aforeſaid for Errors by the ſaid Attorny of the ſaid Lady the Queen above alleged, according to the form of the aforeſaid Statute thereof made: And the aforeſaid Attorny of the Lady the Queen, for the ſaid Lady the Queen ſaith as before he had ſaid and prayeth likewiſe, *&c.* And becauſe the aforeſaid Lord Keeper of the Great Seal, and the Lord Treſurer, will further aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day is given to the aforeſaid *Richard Buſhop*, in the Chamber aforeſaid, until *Tueſday* next, to hear their Judgement thereof, *&c.* At which day, before the ſaid Lord Keeper, and Lord Treſurer, in the Chamber aforeſaid at *Weſtminſter*, cometh the aforeſaid *Richard Buſhop* by his Attorny aforeſaid, And becauſe the aforeſaid Lord Keeper, and Lord Treſurer, are not yet aviſed of giving their Judgement of and upon the premiſes, further day is given

given to the aforeſaid *Richard Buſhopp* before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treſurer, in the Chamber aforeſaid, until *Tueſday*, to hear their Judgment thereof, *&c.* At which day before the Lord Keeper of the Great Seal, and the Lord Treſurer, in the Chamber aforeſaid, at *Weſtminſter*, cometh the aforeſaid *Richard Buſhopp* by his Attorny aforeſaid, and becauſe the aforeſaid Lord Keeper and Lord Treſurer are not yet aviſed of the giving of their Judgment of and upon the premiſes, further day is given to the aforeſaid *Richard Buſhopp*, before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treſurer, in the Chamber aforeſaid, until the firſt *Tueſday* in the Term of *Holy Trinity* then next comming to hear Judgement thereof, At which day, before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treſurer, in the Chamber aforeſaid at *Weſtminſter*, cometh the aforeſaid *Richard Buſhopp* by his Attorny aforeſaid, *&* becauſe the aforeſaid Lord Keeper of the Great Seal, & Lord Treſurer, are not yet aviſed of giving their Judgement of and upon the premiſes, day further is given to the aforeſaid *Richard Buſhopp*, before the aforeſaid Lord Keeper of the great Seal, and Lord Treſurer, in the Chamber aforeſaid, untill *Tueſday*, the third day of *June* the ſame Term of *Holy Trinity*, to hear Judgment thereof, At which day, before the aforeſaid Lord Keeper of the Great Seal, and Lord Treſurer, in the Chamber aforeſaid, at *Weſtminſter*, cometh the aforeſaid *Richard Buſhopp* by his Attorny aforeſaid, And becauſe the aforeſaid Lord Keeper of the Great Seal, and Lord Treſurer are not yet aviſed of giving their Judgement of and upon the Premiſes, day further is given to the aforeſaid *Richard Buſhopp*, before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treſurerin, the Chamber aforeſaid, until *Tueſday* the 10th. day of *June*, next the ſame Term of the *Holy Trinity*, to hear their their Judgment thereof, At which day before the aforeſaid Lord Keeper of the Great Seal, and the Lord Treſurer in the Chamber aforeſaid, at *Weſtminſter* cometh *Richard Buſhopp*, by his Attorny aforeſaid, And upon this the premiſes being ſeen, by the aforeſaid Lord Keeper of the Great Seal of *England*, and the aforeſaid Treſurer, and mature deliberation thereof amongſt them being had, and taking to them the aforeſaid *John Popham Knight*, Chief Juſtice of the ſaid Lady the Queen for *Pleas*, before the Queen her ſelf to be holden aſſigned, and *Edmond Anderſon Knight*, Chief Juſtice of the ſaid Lady the Queen, of the Bench, as alſo of *Francis Gawdy*, one of the Juſtices to Pleas, before the aforeſaid Lady the Queen to be holden aſſigned, and calling before them the Barons of the *Exchequer* aforeſaid, and the reaſons of the Judgement aforeſaid of the ſaid Barons being heard, Becauſe it ſeemeth to the aforeſaid Keeper of the Great Seal of *England*, and to the aforeſaid Treſurer with the Counſel of the Juſtices aforeſaid, That in the Record and Proceſſe aforeſaid, and alſo in the giving of the Judgement aforeſaid, it is manifeſtly erred, Therefore it is granted by the ſaid Keeper of the Great Seal of *England*, and the aforeſaid Treſurer, That the Judgement aforeſaid be converſed and annulled, And that the aforeſaid *Richard Buſhopp*, of the Entry, Intruſion, Treſpaſſe and Contempt aforeſaid be convicted, And that the aforeſaid *Richard Buſhopp* be amoved from the poſſeſſion of the premiſes; And be Attached by his Body whereſoever, *&c.* To make fine with the Lady the Queen for the aforeſaid his Treſpaſs and Contempt, whereof in form aforeſaid he is convicted. And that the Record aforeſaid be ſent back into the *Exchequer* aforeſaid, for the Execution therof for the aforeſaid Lady the Q. to be done, according to the form of the

Statute

Statute aforeſaid thereof made, Therfore it is agreed by the Barons here, That the Writ of the Lady the Queen that now is, iſſue forth out of the Court here, to amove the aforeſaid *Richard Buſhopp* from the poſſeſſion of the premiſes aforeſaid, And to attach the aforeſaid *Richard* by his body whereſoever, *&c.* to make fine for the Treſpaſs aforeſaid, and contempt, whereof in form aboveſaid he is convicted, retorneable here in 8 dayes of Saint *Michael*; and it is commanded to the ſaid Sheriff of the ſaid County of *Worceſter*, that him the ſaid *Richard* he amove & attach in the form aforeſaid.

Monſtrans de Droit, *C.* 1. part.

Digges Caſe, *fo.* 157. a.

England ſſ. Memorandum, That *Thomas Egerton Knight*, Lord Keeper of the Great Seal of *England*, *Tueſday* next after 8. dayes of St. *Hillary* this Term, before the Lady the Queen at *Weſtminſter*, by his own proper Hands delivered here into Court a certain Record before the Lady the Queen in her *Chancery* had in theſe words,

Pleas, before the Lady the Queen in her *Chancery* at *Weſtminſter*, in the County of *Middleſex*, of the Term of *Eaſter*, in the yeer of the Reign of our ſaid Lady *Elizabeth*, by the Grace of God, of *England*, *France*, and *Ireland* Queen, defender of the Faith, *&c.* the 40th.

THe Lady the Queen that now is ſent herwrit cloſed, to the Sheriff of *Suſſex* directed in theſe words: *Elizabeth* by the grace of God of *England France* and *Ireland* Queen defender of the faith, *&c.* To the Sheriff of *Suſſex* greeting, *&c* Whereas by a certain inquſition Inacted, taken at *Dartford* in our County of *Kent*, the 8th. day of *November*, in the year of our Reign the 35th, before *Edward Fenner* one of our Juſtices to pleas, before us to be holden aſſigned, *William Sydley*, *Juſtinian Champnes*, *Edward Cook* Eſquiers, and *William Kneaplock* Gent. Deputy of our Eſcheator of our County aforeſaid by virtue of our Commiſſion to them and others in that behalf directed, to enquire after the death of *Thomas Digges* Eſquire by the Oaths of good and lawfull men of the County aforeſaid (amongſt other things) It is found, that the aforeſaid *Thomas Digges* in the ſame commiſſion named, was ſeiſed in his demeſn as of Fee (amongſt other things) of and in the Manor of *Owtelmeſtone*, with the appurtenances, and in all Lands and Tenements with the appurtenances to the ſame belonging and appertaining, lying and being in the ſaid County of *Kent*, and of 110 Acres of Land, Meadow, Paſture and Wood, with the appurtenances, cal-

called *Eſtendown* and *Beacondown*, lying and being in *Barham* and *Kingſtone* in the ſaid County of *Kent*, and of and in the Manor of *Toke* and *Tokes Court* and *Fokeham*, and in all Meſſuages, Lands, Tenements and Hereditaments to the ſaid Manors belonging and appertaining, lying and being in the ſaid county of *Kent*, and of 40 Acres of Land Wood and Paſture called *Throubgly Cloſe* and *Tyllers* in *Barham* aforeſaid, which late were purchaſed of *William Boyes* Gentleman by way of Exchange, and of 2 Acres of Land and Wood lying and being in *Wemingswold* in the aforeſaid County; and farther by the Inquiſition aforeſaid it is found, that *Thomas Arch-Biſhopp* of *Canterbury* being ſeiſed in his demeſn as of Fee as in the right of his Arch Biſhoprick of *Canterbery* aforeſaid, of and in the Manor of *Biſhoppsborn* with the appurtenances in the ſaid County of *Kent*, by an Act of *Parliament* at *Weſtminſter* in the County of *Middleſex* in the yeer of the Reign of *Henry* late King of *England* the 8th. the 34th, made and provided (amongſt other things) it is enacted & eſtabliſhed, that one *Thomas Culpeper* Eſq. ſhould have hold and enjoy by authority of the ſaid Act aforeſaid, to him and his heirs of the bodie of him the ſaid *Thomas*, of the bodie of one *Elizabeth* ſomtimes his wife deceaſed lawfully begotten, and for default of ſuch iſſue, the remainder thereof to the Heirs of the bodie of the aforeſaid *Elizabeth*, and for default of ſuch iſſue, the remainder thereof to the right Heirs of one *William Haute* for ever, the aforeſaid Manor of *Buſhops born* with the appurtenances, in the ſaid County of *Kent*, and then parcel of the poſſeſſions of the ſaid Arch-Biſhop, to hold the Manor aforeſaid with the appurtenances (amongſt other things) of the aforeſaid Lord the King his Heirs and Succeſſors in *Capite* by the 20th part of a Knights Fee, and the Rent of 38 ſhillings by the yeer. By virtue of which Act of *Parliament* the ſaid *Thomas Culpeper* entred into the aforeſaid Manor with the appurtenances and was thereof ſeiſed as the Law required; and ſo being thereof ſeiſed, the ſame *Thomas Culpeper* by ſufficient conveyance and aſſurance in Law, conveyed and aſſured the aforeſaid Manor of *Biſhopsborn* with the appurtenances to one *Anthony Awcher* Knight, to have and to hold to him and his heirs, By virtue of which, the ſaid *Anthony Awcher* Knight in the aforeſaid Manor of *Biſhopsborn* with the appurtenances entred, and was thereof ſeiſed in his demeſn as of Fee, the eſtate of which *Anthony Awcher* of and in two parcels of Land and Wood with the appurtenances called the *Haute* and *Reed*, conteyning by eſtimation 60 Acres of Land, late were purchaſed by *Chriſtopher Digges* Father of the aforeſaid *Thomas Digges* in the ſaid Commiſſion named, lying and being in *Barham* aforeſaid, and in *Bourn*, of which he died ſeiſed, the ſaid *Thomas Digges* was of the aforeſaid parcels of Land & Wood with the appurtenances ſeiſed in his demeſn as of Fee, which parcel of Land and Wood with the appurtenances called the *Haute* and *Reed* at the time of the making and ordeyning of the ſaid Act of Parliament & time whereof the memory of men is not to the contrary, were parcel of the ſaid Manor of *Biſhopsborn* & the ſaid *Tho. Digges* of the Manors, Lands, and Tenements, & other the premiſes aforeſaid, with the appurtenances as before is ſaid, being ſeiſed, dyed thereof ſo ſeiſed; And farther by the ſame Inquiſition it is found, that the Manor of *Toke* otherwiſe *Tokes Court* aforeſaid, the appurtenances in *Lenham* and *Frenſted* in the ſaid County of *Kent* at the time of the taking of the Inquiſition aforeſaid, and at the time of the death of the aforeſaid *Thomas Digges*, were holden of *Warham St-leger* Knight as of his Caſtle of *Leeds* by the half of a Knights Fee, and were worth

worth by the yeer in all reprofits above repriſes 5 pound 14 ſhillings. And that the Manor of *Fokeham*, and other the premiſes to the ſaid Manor belonging in *Framſted* and *Lenham*, at the ſayd time of the taking of the ſaid Inquiſition, and at the time of the death of the ſaid *Thomas Digges*, of whom or by what ſervices the Jurors of the ſame Inquiſition were altogether ignorant, and they were worth by the yeer in all the profits, above repriſes 7 pound. And that the aforeſaid Manor of *Outlemeſtone* and other the aforeſaid premiſes whatſoever with the appurtenances to the ſaid Manor belonging and appertaining, at the time of the taking of the ſaid Inquiſition aforeſaid, and at the time of the death of the ſaid *Thomas Digges*, were worth by the yeer in all the profits above repriſes 20 pound, and that the ſaid Land called *Eaſtendown*, and *Beacondown* in *Burham* and *Kingſtone* aforeſaid were holden of the Arch Biſhop of *Canterbury*, in the right of his Biſhoprick aforeſaid, but by what ſervices the aforeſaid Jurors are altogether ignorant, and they were worth by the yeer above reprizes 3 pound 6 ſhillings 8 pence, and that the aforeſaid Lands called the *Haute* and *Reed*, late percel of the aforeſaid Manor of *Biſhopſborne* and purchaſed by the aforeſaid *Chriſtopher Digges* of the aforeſaid *William Awcher* Eſquire, were holden of the ſaid Lady the Queen *in Capite* by Knights ſervice, that is to ſay, by particular, according to the rate and quantity of the ſaid Manor of *Biſhopſborn*; and that the ſaid Lands and Paſture called *Throughly Cloſe* and *Tylers* in *Barham* aforeſaid, late purchaſed by the aforeſaid *Chriſtopher Digges*, by way of Exchange of *William Boyes*, of who or whom, or by what ſervices they were holden, the Jurors aforeſaid are altogether ignorant; and that the aforeſaid Land and Woods called *Haute* and *Reed*, and the aforeſaid Land, Wood and Paſture purchaſed of the aforeſaid *William Boyes* were worth by the yeer above repriſes 4 pound. And that the aforeſaid 2 Acres of Land in *Wemings Woold* aforeſaid, were holden of who or whom, or by what ſervices the aforeſaid Jurors were altoge- Ignorant, and they were worth by the yeer above repriſes 2 ſhillings, and that the ſaid *Thomas Digges* had not nor had more or other Lands and Tenements in the ſaid County of *Kent* in demeſn or ſervice of us nor of any other, the aforeſaid dayin which he dyed, and that the aforeſaid *Tho. Digges* dyed the 10th. day of *April* in the yeer of our Reign the 32th. leaving the ſaid *Margaret* his wife wth. child with *Tho. Poſthumus Digges*. And that the ſaid *Thomas Poſthumus Diggs* born the ſecond day of *July* in the 32 year aforeſaide was Son and Heir of the ſaid *Thomas Digges*, and that the ſaid *Thomas Poſthumus Digges* the Son at the time of the taking of the Inquiſition aforeſaid, was of the age of 2 yeers 9 weeks and 6 dayes, as by the Inquiſition aforeſaid in our Chancery retorned and in the Files there remaining of Record, it more fully appeareth: And whereas afterwards, that is to ſay, the 23th day of *January* in the Term of Saint *Hillary*. in the yeer of our Reign the 39th before us in our Chancery aforeſaid, at *Weſtminſter* aforeſaid then being, came *Chriſtopher Digges* and *Edward Digges*, Sons of the ſaid *Chriſtopher Digges* in the Inquiſition aforeſaid named, and prayed the hearing of the Inquiſition aforeſaid, which was read unto them, which being read and heard, and by them fully underſtood, the ſaid *Chriſtopher* and *Edward*, complained them by colour of the ſaid Inquiſition aforeſaid to be grieved and moleſted, and that they from the poſſeſſion of the ſaid Lands and Tenements with the appurtenances to the ſaid lands called *Eaſtendown*, and of two parts of ſo much of the demeſn, and of the

ſaid Manor of *Owtelmeſtone* with the appurtenances, to the ſaid Lands called *Eaſtendown* adjoyning in 4 parts to be divided, as with the aforeſaid Lands called *Eaſtendown*, extend to the third part of all the Mannors, Lands and Tenements, whereof the aforeſaid *Chriſtopher* the Father dyed ſeiſed for the part of the aforeſaid *Chriſtopher* and *Edward* of the premiſes aforeſaid, to be expelled and amoved, and that they from the poſſeſſion thereof, and of every parcel thereof, by colour of the ſaid Inquiſition to be held out, and that unjuſtly, by cauſe, they take it by Proteſtation, That the Inquiſition aforeſaid, and the matter in the ſame contained, was inſufficient in Law, to which they needed not, nor by the Law of the Land were holden any waies to Anſwer; And ſhewing of their Right in that behalf, The ſaid *Chriſtopher* and *Edward* ſaid, That the aforeſaid *Chriſtopher Digges*, Father of them the ſaid *Thomas*, *Chriſtopher* and *Edward*, was in his life time ſeized in his Demeſn as of Fee, of and in the aforeſaid Mannor of *Owtelmeſton* in *Barham*, in the County aforeſaid, and of all and ſingular the Rights, Members, parcel, and appurtenaces whatſoever, containing 200. Acres of Land, Meadow, Paſture, and Wood; And alſo was ſeized of and in the aforeſaid Mannor of *Toke* and *Fockham*, lying and being in the Pariſh of *Lenham*, *Frenſted*, and *Harriſham*, with his Rights, Members, and Appurtenances whatſoever, containing 800. Acres of Land, Meadow, Paſture, and Wood; And of and in the Mannor of *Marton*, lying and being in the Pariſhes of *Sturrey*, *Hackington*, and Saint *Stephen*, in the ſaid County, containing by eſtimation 40. Acres of Land, Paſture, Meadow, and Wood; And of diverſe Gardens in the City of *Canterbury*, containing half an Acre of Land; And of and in the Mannor of *Netherberds*, with the Appurtenances in the County aforeſaid, containing 200. Acres of Land; And alſo of a certain peece of Land called *Eaſtendown*, lying and being in *Barham* aforeſaid, containing by Eſtimation 110. Acres, And of another peece or parcel of Land called *Haute* and *Reed*, lying and being in the Pariſh of *Barham* aforeſaid, containing 61. Acres and a half, and in another peece of Land lying in *Barham* aforeſaid, late as before is ſaid, purchaſed by Exchange of the aforeſaid *William Boyes*, containing 40. Acres of Lands, which ſaid Mannors, Lands, and Tenements, and other the premiſes, amount in the whole to 2500. Acres of Lands, and the ſaid *Chriſtopher Digges*, the Father, of the Tenements aforeſaid with the appurtenances in form aforeſaid being ſeized, The firſt day of *February*, in the yeer of our Reign the 19th. made his Teſtament and laſt Will in Writing, and by the ſaid Teſtament and laſt Will declared and limitted, as to the diſpoſition of the third part of all and ſinglar the premiſes, whereof the aforeſaid *Chriſtopher Digges*, the Father, was before ſeized, due to us, or to any other for Wardſhip, Primer-ſeiſin, Livery, or any other manner, That his laſt Will and meaning was to leave, that there might deſcend all thoſe his Lands and Tenements, called and known by the name of *Eaſtendown*, containing 110. Acres of Lands, and all thoſe Lands and Tenements, and Heditaments, which the aforeſaid *Chriſtopher Digges*, the Father, had by deſcent after the death of *Thomas Digges* of *Newington*, neer *Sittingborn Eſquire* then deſeaſed, And if the Lands and Tenements as above is ſaid, left to deſcend, ſhould not be ſufficient to ſatisfie to us for the 3d. part was due to us, then his Will & meaning was, That ſo much of the other of his Lands next adjoyning to *Eaſtendown* aforeſaid ſhould deſcend, and ſhould be to his ſaid Son *Thomas Digges*, as ſhould be ſufficient to ſatisfie and fulfil to us

the

the third part, And by the ſaid his Teſtament, expreſly gave and bequeathed the other two parts of the aforeſaid Mannors, Lands and Tenements, and other the premiſes before mentioned, with their appurtenances whatſoever, to the uſe of the payment of his Debts, and maintainance of *Martha Digges* then his Wife; And that afterwards the ſaid *Chriſtopher Digges* of all and ſingular the premiſes aforeſaid, as is before ſaid, being ſeized, the 14th. day of the moneth of *March*, in the yeer 1566. dyed, leaving after him iſſue Five Sons, then living & in full life being, that is to ſay, the ſaid *Thomas Digges* in the ſaid Commiſſion named, and the aforeſaid *Chriſtopher*, *Edward*, *Reginald*, and *John Digges*, which ſaid *John* dyed in the life of him the ſaid *Thomas* without iſſue: And that the ſaid *Chriſtopher* and *Edward*, for further ſhewing of their Right in the premiſes ſaid, and are ready to aver, That the aforeſaid *Chriſtopher* their farther, ever in his time had held or enjoyed, any of the Lands and Tenements by deſcent of Inheritance of the ſaid *Thomas Digges* of *Newington* aforeſaid, By which the third part of the ſaid Lands and Tenements of him the ſaid *Chriſtopher* be limitted and appointed to deſcend to ſatisfie us for the Wardſhip of the Heir of the ſaid *Chriſtopher*, according to the intent of the ſame Teſtament and laſt Will remained, to be made and taken out of the aforeſaid Lands called *Eaſtendown*, and of other the Lands and Tenements of the ſame *Chriſtopher*, to the ſaid Lands called *Eaſtendown* next adjoyning: And further, the ſaid *Chriſtopher*, and *Edward*, Sons of the aforeſaid *Chriſtopher*, in *Facto* ſaid, That the demeſn Lands of the ſaid Mannor of *Outelmeſton*, at the time of the death of the ſaid *Chriſtopher*, the Father, were next adjoyning to the aforeſaid Lands called *Eaſtendown*, And that the aforeſaid *Chriſtopher Digges*, the Father, at the time of his death, had not any Lands or Tenements next ſituate and adjoyning to the ſaid Lands called *Eaſtendown*, than the demeſn Lands of the Mannor of *Outelmeſton*, with their Rights and Members, By which the third part by the aforeſaid Teſtament and laſt Will, left to deſcend, ought to be taken out of the aforeſaid Lands called *Eaſtendown*, and of the demeſn Lands of the ſaid Mannor of *Outelmeſton* aforeſaid, called *Eaſtendown* next adjoyning, And alſo ſaid, That the aforeſaid Mannors, Lands and Tenements, whereof the aforeſaid *Chriſtopher* dyed ſeized, contained in them 2500. Acres of Lands, And that the third part of the 2500. Acres of Lands, is 833. Acres of Lands, by which to make the Lands called *Eaſtendown*, a full third part of all the Mannors and Tenements, whereof the ſaid *Chriſtopher Digges* dyed ſeized, ought to be taken out of the demeſn Lands of the ſaid Mannor of *Outlemeſton*, next adjoyning to the ſaid Lands called *Eaſtendown*, 733. Acres, Which third part of the Mannors and Lands aforeſaid, after the death of the ſaid *Chriſtopher Digges*, Father of the ſaid *Thomas*, *Chriſtopher*, *Edward*, *Reginald*, and *John*, as Sons of the ſaid *Chriſtopher* deſcended, and of Right ought to deſcend. And that the aforeſaid Lands called *Eaſtendown*, as alſo the aforeſaid demeſn Lands of the aforeſaid Mannor of *Outlemeſton*, are, and time whereof the Memory of Man is not to the contrary, are and were of the Tenure and nature of *Gavelkind*, and for all that time parted and partable between Heirs Males, By which the ſaid *Thomas*, *Chriſtopher*, *Edward*, *Reginald*, and *John*, into the aforeſaid Lands called *Eaſtendown*, and ſo much of the aforeſaid demeſn Lands of the aforeſaid Mānor of *Outelmeſton* aforeſaid, called *Eaſtendown* next adjoyning, as with the aforeſaid Lands called *Eaſtendown*, amounted to the third part of all the aforeſaid Mānors, Lands & Tenemēts, whereof the ſaid

Chriſtopher

Chriſt. Digges aforeſaid dyed ſeized, entred, and were thereof ſeized in their demeſn as of Fee in Copercenery; And ſo thereof being ſeiſed, The ſaid *John Digges* dyed without iſſue of his body of his purpart thereof ſeiſed: after whoſe death, the aforeſaid *Thom. Chriſtopher, Edward,* & *Reginald* were ſeiſed of the aforeſaid Lands called *Eaſtendown*, and of ſo much of the demeſn Lands of the aforeſaid Manor of *Owtelmeſtone* aforeſaid, called *Eſtendown* next adjoyning, as with the aforeſaid Lands called *Eaſtendown* did amount to the third part of all the aforeſaid Manor, Lands and Tenements, whereof the aforeſaid *Chriſtopher* dyed ſeiſed, and were thereof ſeiſed in their demeſn as of Fee in Copercenerie & they being thereof ſo ſeiſed, the aforeſaid *Thomas Digges* dyed thereof ſeiſed: and further the ſaid *Chriſtopher* and *Edward* ſaid, that afterwards the aforeſaid *Thomas Digges* in the aforeſaid Commiſſion named, ſo thereof as is ſaid of his purpart of the premiſes being ſeiſed, dyed thereof ſeiſed, after whoſe death the ſaid *Chriſtopher* and *Edward* together with the aforeſaid *Reginald* into the aforeſaid Lands and Tenements being as before is ſaid, of the nature and tenure of *Gavelkind* entred, and were by virtue of the ſaid Cuſtome of *Gavelkind* thereof Lawfully ſeiſed in Copercenerie as of their purparts, until after the birth of the ſaid *Thomas Poſthumus Digges* and by Colour of the Inquiſition aforeſaid, the aforeſaid Lands called *Eaſtendown* and the aforeſaid Manor of *Owtelmeſtone* amongſt other things were totally and wholly ſeiſed into our hands. And the aforeſaid *Chriſtopher* and *Edward* utterly thereof and of their aforeſaid purparts thereof to them as before is ſaid, due and belonging, they were amoved and expelled unjuſtlie; with this, that the ſaid *Chriſtopher* and *Edward* will averr, that the aforeſaid Manor of *Owtelmeſtone* and the aforeſaid Lands called *Eaſtendown* in the aforeſaid laſt Will of the aforeſaid *Chriſtopher* the father mentioned and left to deſcend as afore is ſaid, are the ſame Lands called *Eaſtendown*, and the ſaid Manor of *Owtelmeſtone* in the Inquiſition aforeſaid mentioned, whereof the ſaid *Chriſtopher* and *Edward* demand Judgment, and that our hands from the two parts of the aforeſaid Lands called *Eaſtendown*, and ſo much of the Demeſn Lands of the aforeſaid Manor of *Owtelmeſtone* next adjoyning to the aforeſaid Lands called *Eaſten-* as do amount to the third part of the aforeſaid Manors and Lands whereof the aforeſaid *Chriſtopher* the father dyed ſeiſed, in 3 parts to be divided, that is to ſay, of 416 Acres of Lands, which to them for their purpart by the death of the aforeſaid *Chriſtopher Digges* their Father by the Cuſtom aforeſaid, thereof to them due and belonging, are, and to them of right deſcended, and ought to deſcend, be amoved; and that they to their ſaid purparts of the premiſes, together with the Iſſues and profits thereof, and of every parcel thereof, from the time of the taking of the Inquiſition aforeſaid, and in the mean time received, be reſtored, *&c.* And whereas, we by our letters Patents under our Great Seal of England, bearing date at *Weſtminſter*, the 7th. day of *September* in the yeer of our Reign the 38th. have committed to *Margaret Digges* the late Wife of the aforeſaid *Thomas Digges*, and now the Wife of *Thomas Palmer* Eſquire, the Wardſhipp of the body and the Mariage of the ſaid *Thomas Poſthumus Digges*, To have, enjoy, and poſſeſs the wardſhipp and Mariage of the ſaid *Thomas Poſthumus Digges*, to the ſaid *Margaret*, her Executors and aſſigns, until the ſaid *Margaret*, her Executors and aſſigns, the effect of the Mariage of the ſaid *Thomas Poſthumus Digges* receive, or have or ſhould receive, or have,

By

By virtue of which the ſaid *Thomas Palmer* and *Margaret* as in the right of the ſaid *Margaret* are of the Wardſhip aforeſaid poſſeſſed; and becauſe it ſeemeth expedient to us that the ſaid *Thomas Palmer* and *Margaret* be warned before it be further proceeded in the ſaid plea, We command you by good and Lawfull men of your *Bayliwick* you warn the aforeſaid *Thomas Palmer* and *Margaret*, that they be here before us in our ſaid Chancery in 16 dayes of *Eaſter* next following whereſoever it then ſhall be, to Inform us and our Council wherefore our hands from the aforeſaid two parts of the aforeſaid Lands called *Eaſtendown*, and ſo much of the Demeſn Lands of the ſaid Manor of *Owtelmeſtone* next adjoyning to the aforeſaid Lands called *Eaſtendown*, as ſhould amount to the third part of the aforeſaid Manors, Lands, and Tenements whereof the aforeſaid *Chriſtopher Digges* the Father dyed ſeiſed, in 4 parts to be divided, that is to ſay, of 416 Acres of Land which to the aforeſaid *Chriſtopher* and *Edward* for their purpart after the death of the *Chriſtopher* their Father according to the Cuſtom aforeſaid thereof to the aforeſaid *Chriſtopher* and *Edward* are due, and belonging, and which to them of right deſcended, and ought to deſcend, be amoved, and that the ſaid *Chriſtopher* and *Edward*, to the ſaid purparts of the ſaid premiſes together with the Iſſues and profits thereof, and each parcel thereof, from the time of the taking of the Inquiſition aforeſaid in the mean time received ought not to be reſtored according to the ſaid plea and petition of the ſaid *Chriſtopher* and *Edward*; and farther to do and receive which our Court ſhall conſider in this behalf, Witneſs my ſelf at *Weſtminſter* the 23th. day of *January* in the yeer of our Reign the 40th. And have here the names of them by whom you gave warning, and this writ; And now at this day, that is to ſay the aforeſaid 15. dayes of *Eaſter*, before the Lady the Queen in her *Chancery* here, that is to ſay, at *Weſtminſter* aforeſaid, come the aforeſaid *Chriſtopher Digges* the Son, and *Edward Digges*, by *John Rotherham* their Attorny of themſelves, the 4th. day, againſt the ſaid *Thomas Palmer*, and *Margaret*, of the Plea aforeſaid, and *George More Knight*, Sheriff of the ſaid County of *Suſſex*, before the ſaid Lady the Queen in her ſaid *Chancery*, here ſent the ſaid Writ executed and returned, that is to ſay, that he, by virtue of the ſaid Writ to him directed, the 12th. day of *April*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 40th. aboveſaid, by *John Byrſtie Gent.* and *Thomas Wolfe Gent.* good and lawful men of his Balywick, gave warning to the ſaid *Thomas Palmer* and *Margaret*, to be here at this day, to inform the ſaid Lady the Queen and her Council, as the Writ aforeſaid in it importeth and requireth, and as by the ſaid Writ to him it was commanded: At which day, the ſaid *Thomas Palmer* and *Margaret*, before the aforeſaid Lady the Queen, in the ſaid Court here at *Weſtminſter* aforeſaid, according to the warning aforeſaid, to them as before is ſaid given, come likewiſe, and pray licence with the Queens Council, thereof to imparl before the ſaid Lady the Queen, in the ſaid Court here, until the Morrow of the *Holy Trinity*, then next following, *&c.* Whereſoever, *&c.* And then to Anſwer, *&c.* And have it, *&c.* And the ſame day is given to the aforeſaid *Chriſtopher Digges* the Son, and *Edward Digges* then and there, *&c.* At which Morrow of the *Holy Trinity*, before the ſaid Lady the Queen in the ſaid Court here, that is to ſay, at *Weſtminſter* aforeſaid, come as well the aforeſaid *Chriſtopher Digges* the Son, and the ſaid *Edward Digges*, as the aforeſaid *Thomas Palmer* and *Margaret*, by their Attornies aforeſaid, And upon this the ſaid *Thomas*

mas Palmer and *Margaret*, pray licence further with the Queens Councill thereof to imparl, before the ſaid Lady the Queen in the ſaid Court here, until 8. dayes of St. *Michael* then next coming, *&c.* whereſoever, *&c.* and then to Anſwer, *&c.* and have, *&c.* And the ſame day is given to the aforeſaid *Chriſtopher Digges* the Son, and *Edward Digges* then and there, *&c.* At which 8. dayes of St. *Michael*, before the aforeſaid Lady the Queen in the ſaid Court here, that is to ſay, at *Weſtminſter* aforeſaid, came aſwel the aforeſaid *Chriſtopher Digges* the Son, and *Edward Digges*, as the aforeſaid *Thomas Palmer* and *Margaret*, by their Attornies aforeſaid, and upon this, the ſaid *Thomas* and *Margaret* pray the hearing of the Writ aforeſaid, and it is read unto them, *&c.* Which being read and heard, The ſaid *Thomas* and *Margaret* ſay, That the Hands of the ſaid Lady the Queen, from the ſaid two parties of the aforeſaid Lands called *Eaſtendown*, and ſo much of the Demeſn Lands of the aforeſaid Manor of *Outelmeſton*, next adjoyning to the aforeſaid Lands called *Eaſtendown*, as amount to the third part of the aforeſaid Manors, Lands and Tenements, in 4. parts to be divided, nor from any part thereof ought to be amoved, nor the aforeſaid *Chriſtopher Digges* the Son, and *Edward Digges* to the aforeſaid purparts of the premiſes above demanded, together with the Iſſues and Profits of the purparts of the premiſes, in the mean time aforeſaid received ought not to be reſtored: Becauſe proteſting that the aforeſaid Manors and Tenements of which it is ſuppoſed the aforeſaid *Chriſtopher Digges* the Father to have dyed ſeized, or any part thereof are not of the nature of *Gavelkind*, in the ſaid County of *Kent*, proteſting alſo that the ſaid *Chriſtopher Digges* the Father, by his laſt Will and Teſtament, did not Will and Deviſe the Manors and Tenements aforeſaid with the appurtenances, as the aforeſaid *Chriſtopher Digges* the Son, and the ſaid *Edward Digges*, in their Declaration above have alleged, For Plea ſay, That the aforeſaid *Chriſtopher Digges* the Father, in his life time was ſeized of all the Manors and Tenements aforeſaid with the appurtenances, in his Demeſn of Fee, and ſo thereof being ſeized, the 6th. day of *May*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 10th. at *Owtelmeſton* aforeſaid, by a certain Indenture between him the ſaid *Chriſtopher* of the one part, And *Henry Criſpe* of *Tennet*, in the aforeſaid County of *Kent Knight*, *John Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Leveſon*, and *Richard Horewood Gent.* of the other part made, and with the Seal of the ſaid *Chriſtopher* the Father ſealed, bearing date the ſame day and yeer, Aſwel in the conſideration of a Mariage between the ſaid *Chriſtopher* the Father, and *Martha* Siſter of the aforeſaid *John* and *Richard Brook*, before that time had and ſolemnized, as in the conſideration of the ſum of 200. pounds, of good and lawful Mony of *England*, before the ſolemnization of the Mariage aforeſaid, to the ſaid *Chriſtopher* the Father paid, and alſo for the preferring and ſure advancing of the aforeſaid *Thomas Digges*, then Son and Heir aparent of the ſaid *Thomas* begotten; As alſo for diverſe other good cauſes and conſiderations the ſaid *Chriſtopher* the Father moving, Covenanted, Granted and Agreed to and with the aforeſaid *Henry Criſp*, *John Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Leveſon*, and *Richard Horewood*, their Executors, and Adminiſtrators in form following, That aſwell the ſaid *Chriſtopher Digges* the Father, and his Heirs, and every other perſon and perſons, & their Heirs, who then ſtood or were ſeized, or that at any time then after ſhould ſtand or ſhould be ſeized, of and in all and ſingular the Mannors, Meſſuages, Lands Tenements

Tenements, Rents, Reverſions, Services, and Hereditaments, of the ſaid *Chriſtopher Digges* the Father, whatſoever with the Appurtenances, ſituate lying and being in the aforeſaid County of *KENT*, from thence forward ſhould ſtand and be ſeized of and in all and ſingular the ſaid Mannors, Meſſuages, Lands, Tenements, Rents, Reverſions, Services, and Hereditaments, and other the premiſes in the ſaid County of *KENT*, with all and ſingular their Appurtenances, to the onely uſes and intents afterwards in the ſaid Indentures mentioned and expreſſed, and to no other uſe, intent or purpoſe, That is to ſay, To the uſe of the ſaid *Chriſtopher Digges* the Father, for the Term of his life, And after the deceaſe of the ſaid *Chriſtopher* the Father, to the uſe of the ſaid *Thomas*, Son of the ſaid *Chriſtopher* the Father, and the Heirs Males of the Body of the ſaid *Thomas* lawfully begotten, or to be begotten, and for default of ſuch iſſue, to the uſe of the Heirs Males of the Body of the ſaid *Chriſtopher* the Father, upon the Body of the ſaid *Martha* lawfully to be begotten, as by the ſaid Indenture amongſt other things it more fully appeareth; By virtue whereof, and by force of a certain Statute of tranferring of uſes into poſſeſſion, in the Parliament of the late King *HENRY* the 8th. the 4th. day of *February*, in the yeer of his Reign the 27th, at *Weſtminſter*, in the County of *Middleſex*, holden made, The ſaid *Chriſtopher Digges* the Father, was ſeized of the Mannors and Tenements aforeſaid with the Appurtenances, in his Demeſn as of Free-hold for the Term of his life, the Remainder thereof to the aforeſaid *Thomas* in form aforeſaid expectant, And the ſaid *Chriſtopher* the Father, being thereof ſo ſeized, the Remainder thereof in form aforeſaid expecting, The ſaid *Chriſtopher* the Father, at *Owtelmeſton* aforeſaid dyed, of ſuch his Eſtate thereof ſeized, After whoſe Death, The ſaid *Thomas Digges* the Son, into the Mannors and Tenements aforeſaid with the Appurtenances entred and was thereof ſeized in his Demeſn as of Fee-tail, that is to ſay, to him and the Heirs Males of his Body begotten, by virtue of the Indenture aforeſaid, and by force of the Statute aforeſaid; And ſo being ſeized of all and ſingular the Mannors and Tenements aforeſaid, The aforeſaid 10th. day of *April*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 32th. At *Owtelmeſton* aforeſaid, of ſuch his Eſtate dyed ſeized, *Thomas Poſthumus Digges*, being Son and Heir of his Body, within Age, and in the Ward of the ſaid Lady the Queen, as by the ſaid Inquiſition it is found, without that, that the aforeſaid *Chriſtopher Digges* the Father, dyed ſeized of the Mannors and Tenements aforeſaid with the Appurtenances, in his Demeſn as Fee, as the aforeſaid *Chriſtopher*, the Son, and *Edward*, in the *Monſtrans de droit* aforeſaid, above have alleged, And this they are ready to aver, Whereupthey demand Judgment, If the Hands of the ſaid Lady the Queen, from the aforeſaid two parts of the aforeſaid Lands called *Eaſtendown*, and ſo much of the Demeſn Lands of the Mannor of *Outelmeſton*, next adjoyning to the aforeſaid Lands called *Eaſtendown*, as amount to the third part of the aforeſaid Mannors, Lands and Tenements, whereof it is ſuppoſed that the ſaid *Chriſtopher* the

Father, dyed ſeized in 4. parts to be divided, or of any part thereof ought to be amoved, Or the aforeſaid *Chriſtopher Digges* the Son, and *Edward* to the aforeſaid purparts of the premiſes, in the mean time aforeſaid received ought to be reſtored: And the aforeſaid *Chriſtopher* the Son, and *Edward*, as at firſt ſay, That the aforeſaid *Chriſtopher Digges* the Father dyed, ſeized of the Mannors and Tenements aforeſaid in his Demeſn as of Fee, as in their *Monſtrans de droit* aforeſaid above they have alleged, And this they are ready to aver, And pray, that it be inquired of by the Country: And the aforeſaid *Thomas Palmer* and *Margaret* likewiſe, *&c.* And therefore day is given to the parties aforeſaid, before the ſaid Lady the Queen, in 8. dayes of Saint *Hillary*, whereſoever it ſhould be, to do, and receive what ſhall be juſt in the premiſes; And that it is commanded to the Sherif of *KENT*, that he cauſe to come before the ſaid Lady the Queen at that day, 12. good and lawful men of the Neighbourhood of *Barham*, *Lenham*, *Frenſted*, *Harriſham*, *Sturrey*, *Hackington*, and the Pariſh of Saint *Stephens*, and of the Mannor of *Netherhard*, in his Balywick, whereof every one have 4. l. *per Annum* in Lands, Tenements, or Rents at the leaſt, by whom the truth of the matter might beſt be known; And who neither, *&c.* To Recognize, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come aſwel the aforeſaid *Chriſtopher Digges* the Son, and *Edward Digges*, by *Thomas Weſtbie* the Elder their Attorny, as the aforeſaid *Thomas Palmer* and *Margaret*, in their proper perſons; And the Sherif of *KENT* retorned the names of the Jurors, *&c.* Whoſe names, *&c.* Whereof none, *&c.* Therefore it is commanded to the ſaid Sherif of *KENT*, that he have their Bodies afore the Lady the Queen, in 8. dayes of the *Purification* of the bleſſed *Mary*, whereſoever, *&c.* to Recognize in form aforeſaid, *&c.* And the ſame day is given to the parties aforeſaid, *&c.* At which day, before the Lady the Queen at *Weſtminſter*, come aſwel the aforeſaid *Chriſtopher Digges* the Son, and the ſaid *Edward* by their Attorny aforeſaid, as the aforeſaid *Thomas Palmer* and *Margaret* in their proper perſons: And the Sherif ſent not his Writ thereof, *&c.* There again as before, It is commanded, *&c.* That he deſtrein the Jurors aforeſaid, by all their Lands, *&c.* So that he have their Bodies before the Lady the Queen, from the day of *Eaſter*, in 15. dayes whereſoever, *&c.* Unleſs the Juſtices of the Lady the Queen to Aſſizes, in the County of *KENT* to be taken aſſigned, firſt upon *Monday*, in the 5th. Week of *Lent*, at *Rocheſter*, in the aforeſaid County of *KENT*, according to the form of the Statute ſhall come for default of Jurors. And therefore that the Siherif have their Bodies, *&c.* to Recognize in form aforeſaid, And the ſame day is given to the parties aforeſaid; At which day, before the Lady the Queen at *Weſtminſter*, came aſwel the aforeſaid *Chriſtopher Digges* the Son, and *Edward Digges* by their Attorny, as the aforeſaid *Thomas Palmer* and *Margaret* in their proper perſons. And the aforeſaid Juſtices to Aſſizes, before whom, *&c.* ſent here the Record had before them in theſe words: After wards, the day and place within contained, before *Francis Gawdy*, one of the Juſtices to Pleas, before the Queen her ſelf to be holden aſſigned,

and

and *George Kingſmill*, one of the Juſtices of the ſaid Lady the Queen of the Bench, Juſtices of the ſaid Lady the Queen to Aſſizes, in the ſaid County of *Kent* to be taken aſſigned, by the form of the Statute, *&c.* come aſwel the within named *Chriſtopher Digges*, and *Edward Digges*, by *Edmond Gibbon*, their Attorny within written, as the ſaid *Thomas Palmer* and *Margaret*, by *Nathaniel Manley* their Attorny. And the Jurors of the Jury, whereof within mention is made, likewiſe being called come, who to ſay the truth of the within contained, choſen, tryed, and ſworn, ſay upon their Oaths, That long before the day of the bringing of the *Monſtrans de droit* within written, one *Chriſtopher Digg*, otherwiſe *Digges Eſquire*, in the *Monſtrans de droit* within named, Father of the aforeſaid *Chriſtopher Digges*, and *Edward Digges*, was ſeized of the Mannors, Lands and Tenements withthe appurtenances, in the *Monſtrans de droit* ſpecified, and of and in Lands and Tenements, in the Indenture hereafter ſpecified in his Demeſnas of Fee; And ſo thereof being ſeized, The ſaid *Chriſtopher Digges* the Father, before the day of the bringing of the *Monſtrans dedroit* within written, that is to ſay, the 6th. day of *May*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 10th. By his Indenture, between him the ſaid *Chriſtopher Digges* the Father of the one part, & *Henry Cripps Knight*, *John Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Leaſon*, and *Richard Horewood Gent.* of the other part made, one part whereof with the Seal of the ſaid *Chriſtopher Digges* the Father ſealed, to the Jurors aforeſaid, in Evidence was ſhewed, whoſe Date is the ſame day and yeer, For the Conſiderations and Cauſes in the ſame Indenture ſpecified, covenanted, and granted for him and his Heirs, To and with the aforeſaid *Henry Cripps*, *John Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Leaſon*, and *Richard Horewood* and their Heirs, That the ſaid *Chriſtopher Digges* the Father, and his Heirs, then from thenceforth would ſtand and be ſeized, of and in all and ſingular the aforeſaid Mannors, Lands and Tenements, to the Behoofs and uſes, Proviſons and intents, in the ſame Indenture ſpecified, The Tenor of which Indenture followeth in theſe words. *Iſ.* This Indenture made the 6th. day of *May*, in the 10th. yeer of the Reign of our Sovereign Lady *Elizabeth*, by the Grace of God Queen of *England*, *France* and *Ireland*, Defender of the Faith, *&c.* Between *Chriſtopher Digg*, otherwiſe *Digges*, of *Quelmeſton* in the County of *Kent Eſquire* on the one part, and Sr. *Henry Cripps* of *Thenett*, in the ſaid County *Knight*, *John Brook*, *Francis Gatacre*, *Thomas Lewſon*, and *Richard Horewood Gent.* on the other part witneſſeth, That whereas the ſaid *Chriſtopher Digges*, did heretofore mary and take to Wife *Martha Brook*, Siſter of the ſaid *John Brook*, and *Richard Brook*, and now Wife of the ſaid *Chriſtoper*, and during the ſaid Mariage had, and continuing, they had and have iſſue between them, *Thomas Digg*, otherwiſe *Digges*, now being Son and Heir apparent of the ſaid *Chriſtopher*, Therefore aſwel in Conſideration of the ſaid Mariage ſo had between the ſaid *Chriſtopher* and *Martha*, As alſo for and in conſideration of the ſum of 200. pounds, of good and lawful money of *England*, before the ſolemnization of the Mariage aforeſaid, unto the ſaid *Chriſtopher* well and truly contented, ſatisfied and paid, As alſo for the Preferment and certain Advancement of the ſaid *Thomas Digges*, and of the Heirs Males of the ſaid *Thomas Digges* of his Body lawfully to be begotten, And alſo for diverſe other good conſiderations the ſame *Chriſtopher Digges* thereunto ſpecially moving, It is now

Covenanted, Granted, Concluded, Condeſcended and Agreed, between the parties to theſe preſents, and the ſaid *Chriſtopher Digges* and his Heirs, doth by theſe preſents Covenant, Grant, and Agree, to and with the ſaid Sr. *Henry Cripps Knight*, *John Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Leweſon*, and *Richard Horewood*, their Executors and Adminiſtrators in manner and form following, That is to ſay, That aſwell the ſaid *Chriſtopher Digges*, and his Heirs, and all and every other perſon or perſons, and their Heirs, which now ſtand or be ſeized, or at any time hereafter ſhall ſtand or be ſeized, of and in all and ſingular his Manors, Meſſuages, Lands, Tenements, Rents, Reverſions, Services whatſoever with their appurtenances, ſet, lying and being in the ſaid County of *Kent*, ſhall from the day of the Date of theſe preſents ſtand and be ſeized, of and in all and every the ſaid Manors, Meſſuages, Lands, Tenements, Rents, Reverſions, Services, and Hereditaments, and other the premiſes, in the ſaid County of *Kent*, to the only uſes and intents hereafter, in theſe preſents mentioned and expreſſed, and to none other uſe, intent or purpoſe; That is to ſay, To the uſe of the ſaid *Chriſtopher Digges* for his natural life, and after the deceaſe of the ſaid *Chriſtopher Digges*, Then to the uſe of the ſaid *Thomas Digges*, and the Heirs Males of his body lawfully begotten, and for default of ſuch Heirs Males, Then to the uſe of the Heirs Males of the body of the ſaid *Chriſtopher*, upon the Body of the ſaid *Martha* lawfully to be begotten. Provided alwaies, and it is nevertheleſſe Covenanted and Agreed, by theſe preſents, between the ſaid parties to theſe preſents, upon the Conſiderations above mentioned, That for the Preferment and Advancement of the other Children of the ſaid *Chriſtopher Digges*, and for the payment of his Debts or Legacies, or for any other neceſſary purpoſe or intent, It ſhall and may be lawful to and for the ſaid *Chriſtopher Digges*, together with Sr. *Henry Cripps Knight*, *John Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Leweſon*, and *Richard Horewood*, or three of them, the ſaid *Henry Cripps*, *John Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Leweſon*, and *Richard Horewood*, at any time hereafter, during the life of the ſaid *Chriſtopher Digges*, together with and by the joynt Conſent and Agreement of the ſaid *Henry Cripps*, *John Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Leweſon*, and *Richard Horewood*, or three of them the ſaid *Henry*, *John*, *Francis*, *Richard*, *Thomas*, and *Richard*, by their Joynt Deed or Writing Indented of them the ſaid *Chriſtopher Digges*, *Henry Cripps*, *John Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Leweſon*, and *Richard Horewood*, or of the ſaid *Chriſtopher Digges*, or of three of them, the ſaid *Henry*, *John*, *Francis*, *Richard*, *Thomas* and *Richard*, and being ſealed with the ſeals of the ſaid *Chriſtopher Digges*, *Henry Cripps*, *John Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Leweſon*, and *Richard Horewood*, or of the ſaid *Chriſtoper Digges*, or three of them the ſaid *Henry*, *John*, *Francis*, *Richard*, *Thomas*, and *Richard*, and to be inrolled in any Court of Record of our ſovereign Lady the Queen, or of her Heirs and Succeſſors, to make void and fruſtrate any of the uſe, or uſes, eſtate, or eſtates, in theſe preſents above mentioned, expreſſed, or declared, onely for, of or in any ſuch part or parcel of the premiſes, as by the ſaid *Chriſtopher Digges*, *Henry Cripps*, *John Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Leweſon*, and *Richard Horewood*, or by the ſaid *Chriſtopher Digges*, or three of them, the ſaid *Henry*, *Iohn*, *Francis*, *Richard*, *Thomas* and *Richard*, ſhall be thought meet and convenient, and by the ſaid Writing Indented and Inrolled, ſhall be expreſly limited and appointed,

appointed, and no otherwiſe; And thereof by the ſaid Writing Indented, ſo to be inrolled of new, to declare, limit, or appoint any ſuch new, or any other ſuch uſe, or uſes, eſtate, or eſtates, as to the ſaid *Chriſtopher Digges*, *Henry Cripps*, *John Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Leweſon*, and *Richard Horewood*, or any three of the ſaid *Henry*, *John*, *Francis*, *Richard*, *Thomas*, and *Richard*, ſhall be thought meet and convenient, as by the ſaid Writing Indented ſhall be expreſſed and declared, and not otherwiſe, any thing in this preſent Indenture contained, to the contrary thereof in any wiſe notwithſtanding: And that immediatly from and after ſuch new Declaration, Limitation and Appointing of any new, or other uſe, or uſes, of or in any part or parcel of the premiſes, by writing Intended, ſealed, and inrolled as aforeſaid, than the uſe, and uſes, eſtate, or eſtates, of ſuch and ſo much onely of the premiſes, whereof any ſuch new Declaration, Limitation, or Appointment, ſhall be ſo had, and made, ſhall be, And the ſaid *Chriſtopher Digges*, his Heirs and Aſſignes, and all other perſon or perſons, their Heirs and Aſſignes, which at any time hereafter, ſhall ſtand and be ſeized of or in ſo much of the premſes, whereof any ſuch new Declaration, limiting and appointing, ſhall be ſo had, and made, ſhall ſtand and be ſeized thereof, to the uſe of ſuch perſon and perſons, and to ſuch uſe, intents and conditions, as ſhall be mentioned and expreſſed, in the ſaid Writing Indented and Inrolled, and to none other uſe, intent or purpoſe, any thing above mentioned to the contrary thereof in any wiſe notwithſtanding. In witneſſe whereof the parties to theſe preſents inter changeably to this preſent Writing Indented, have put their Seals the day and yeer above written. By virtue of which Indenture, and by force of a Statute transferring of uſes into poſſeſſion, in the Parliament of the Lord *Henry* late King of *England* the 8th. the 4th. day of *February*, in the yeer of his Reign the 27th. at *Weſtminſter*, in the County of *Middleſex* holden, made, The aforeſaid *Chriſtopher Digges* the Father, was ſeized of the Manors and Tenements with the appurtenances, within *monſtrans de droit* above ſpecified in his Demeſn as of Freehold, for the term of his life, the remainder thereof to the aforeſaid *Thomas*, & the Heirs Males of his Body iſſuing, and for default of ſuch iſſue, The Remainder thereof to the Heirs Males of the Body of the ſaid *Chriſtopher* the Father of the aforeſaid *Martha* lawfully begotten: And the ſaid *Chriſtopher Digges* the Father, ſo of the Manors and Tenements aforeſaid with the appurtenances being ſeized, the Remainder thereof to the aforeſaid *Thomas*, in form aforeſaid expecting, The ſaid *Chriſtopher Digges* the Father, and the aforeſaid *Ioh. Brook*, *Ric. Brook*, & *Tho. Leweſon* afterwards, and before the day, *&c.* that is to ſay, the 6th. day of *May*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 12th. By a certain Indenture between them, the ſaid *Chriſtopher Digges* the Father, and the aforeſaid *Iohn Brook*, *Richard*, and *Thomas Leweſon* of the one part, & *Thomas Ovington*, and *Thomas Digges*, of *Chertham* in the County of *Kent Gent.* of the other part made, and in the Court of *Chancery* of the ſaid Lady the Queen that now is at *Weſtminſter*, then being, the 4th. day of *Iune*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 12th. aforeſaid, in due manner of Record inrolled, one part of which, with the Seals of the aforeſaid *Chriſtopher Digges* the Father, *John*, *Richard*, and *Thomas Leweſon* ſealed, To the Jurors aforeſaid in evidence was ſhewed, whoſe Date is the ſame day and yeer aboveſaid, In which Indenture, reciting the firſt Indenture, bearing Date the 6th

of

of *May*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 10th. aboveſaid, made between him the ſaid *Chriſtopher Digges* the Father, of the one part, and the aforeſaid *Henry Cripps Knight*, *Iohn Brook*, *Francis Gatacre*, *Richard Brook*, *Thomas Ltweſon*, and *Richard Horewood*, of the other part, Covenanted, Granted, and Agreed, to and with the aforeſaid *Thomas Ovington*, and *Thomas Digges*, their Heirs, Executors, and Aſſigns, in manner and form as followeth in theſe words. And alſo, whereas, The ſaid *Chriſtopher Digges*, at the time of the making of the ſaid Indenture in theſe preſents above recited, was ſeized of an Eſtate of Inheritance, amongſt other the Manors, Lands, Tenements, and Hereditaments, aboveſaid, of and in one Cloſe, in the aboveſaid Pariſh of *Barham*, in the occupying of *Bartholmew Baker*, containing by eſtimation 3. Acres, and 2. Acres of Land in *Stony Rock*, and 3. Acres and 2. yards in *Parſonage-field*, in the occupation of the ſaid *Bartholmew Baker*, in *Barham* aforeſaid, and 2. half Acres of Land in the occupying of *Henry Crowd*, and one half Acre, late in the occupation of *Iohn Barham Gent.* in the Pariſh of *Barham* aforeſaid, And alſo 3. Acres called *Green Hill*, and one Acre lying in *Brome leaſe*, joyning to *Thomas Laddes* Ground, and one yard in *Iohn Naſhes* Land, lying in *Barham* aforeſaid, and *Kingſton* next *Barham* in the County aforeſaid, and alſo 16. Acres of Down Land and Paſture, in the ſaid Pariſh of *Barham* and *Kingſton* aforeſaid, and *Adſham* in the County aforeſaid, in the occupying of *Kembers* Heirs, and alſo the moyety of 31. Acres of Mariſh Land, and Arable, the moyety of one Tenement lying in the Pariſh of *Woekham*, in the ſaid County, and 3. Acres of Mariſh Land more late in the occupying of *Robert Formel*, and 5. Acres of that, now in the occupying of *David Deme*, of *Littleborn* Court, lying in the Pariſhes of *Littleborn*, and *Wockham* aforeſaid, and *Ickham* in the County aforeſaid, And alſo one Tenement with 7. Acres of Land, lying at *Stelling Mennis*, in the Pariſh of *Ekham*, late in the occupying of *Richard Ovingden*, 30. Acres of Wood-Land, in the Pariſh of *Neiberherds*, now in the occupying of the ſaid *Chriſtopher Digges*, and 1. Acre of Arable Land, in the occupying of *Henry Rigden*, called *Bedle-acre*, and alſo 2. Acres of Land in *Demiſdale*, and 3. Acres in *Spotts Croſs*, half an Acre in *Wholdſtane*, in the pariſhes of *Barham* and *Kingſtone*, and 12. Buſhels of Rent Barley out of *William Ademe's* Land, in *Kingſton* aforeſaid, and 3. Acres of Land, at a Place called *Marley*, within the Pariſh of *Kingſton*, in the occupying of *James Adem*, and alſo 1. Tenement with 7. Acres of Arable Land and Paſture, in the occupying of *Henry Crowd*, in the Pariſh of *Barham* aforeſaid; And alſo 60. Acres of Arable Land, Paſture, and Down-Land, in the Pariſh of *Barham* aforeſaid, and alſo 3. Acres of Meadow, lying in *Winch*, in the Pariſh of *Tannington*, and 7. Seames of Rent Barley in the Pariſh *Sutton* next *Sandwitch*, and alſo 3. Acres of Arable Land in the occupation of *Richard Ragely*, in the Pariſh of *Kingſton* aforeſaid, and 36. Acres of Wood-Land, Arable and Paſture, and half a Meſſuage, half a Barn, and half a Stable, an Outhouſe, and a Meadow containing 12. Acres, adjoyning to the Barn in the occupying of *James Herringe*, in the Pariſhes of *Kingſtone* aforeſaid, and *Bourn* in the County aforeſaid. Whereupon, and for and in conſideration, that the ſaid *Chriſtopher Digges* is endebted to diveſe perſons in the ſum of 900. pounds or thereabouts, and that he the ſaid *Chriſtopher* may have full authority to ſell and alienate ſome part of the ſaid Lands and Tenements, for the payment of his ſaid debts, It is now Covenanted, Granted, Condeſcended and Agreed,

greed, Between the ſaid *Chriſtopher Digges*, *John Brook*, *Richard Brook*, and *Thomas Leweſon*, and the above named *Thomas Ovington*, and *Thomas Digges*, their Heirs and Aſſignes; And the ſaid *Chriſtopher Digges*, *John Brook*, *Richard Brook*, and *Thomas Leweſon*, for them and every of them, their Heirs and Aſſignes, by their joynt Conſent and Agreement, do Covenant, and Grant, to and with the ſaid *Thomas Ovington*, and *Thomas Digges*, their Heirs and Aſſignes by theſe preſents, That from the Inrollment of this preſent Indenture, in the Queens Majeſties Court of *Chancery*, That all and every the ſaid uſe, and uſes, conſiderations, and intents, limited, declared, and mentioned, in the aboveſaid Indenture in theſe preſents above compriſed, And to, and as concerning only all and ſingular thoſe ſeveral parcels of the premiſes particularly above mentioned, ſhall be utterly void, fruſtrate, and be determined and ended. And that the ſaid *Chriſt. Digges*, and his Heirs, and all & every other perſon and perſons, which now ſtand, or be ſeized, or at any time hereafter ſhall ſtand and be ſeized, of and in the ſaid ſeveral parcels particularly above mentioned with their Appurtenances, ſhall from the time of the Inrollment of theſe preſents, ſtand and be of all and every the ſame particular parcells above mentioned onely, with their Appurtenances, ſeized onely unto the uſe of the ſaid *Chriſtopher Digges*, his Heirs and Aſſignes for ever, and to no other uſe, uſes, purpoſes, and intents: In Witneſſe whereof the parties aboveſaid to theſe preſent Indentures, their Seals interchangeably have ſet, dated the day and yeer firſt above written, as by the Indenture aforeſaid more fully appeareth. By colour of which Indenture and Inrollment, and by force of the aforeſaid Statute of transferring of uſes into poſſeſſion, made and provided, The aforeſaid *Chriſtopher Digges* the Father, was ſeized of the aforeſaid parcel of Lands, Tenements, and Hereditaments with the Appurtenances, in the Indenture aforeſaid particularly further ſpecified as the Law requireth: And futher, the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the aforeſaid *Chriſtopher Digges* the Father, of the Manors, Lands and Tenements, in the *Monſtrans de droit* within written with their Appurtenances, in form aforeſaid being ſeized, The ſaid *Chriſtopher Digges* the Father, and the aforeſaid *John Brook*, *Richard Brook* and *Richard Horewood* afterward, and before the time of the bringing of the *Monſtrans de droit* within written, that is to ſay, the 20th. day of *September*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 13th. By another Indenture between them the ſaid *Chriſtopher Digges* the Father, *John*, *Richard*, and *Richard Horewood* on the one part, and the aforeſaid, *Thomas Ovington*, and *Thomas Digges*, of *Chartham* aforeſaid, on the other part made, By the names of *Chriſtopher Digges* of *Barham* in the County of *Kent Eſquire*, *John Brook*, *Richard Brook*, and *Richard Horewood Gent.* on the other part made, and in the Court of the Lady the Queen of *Common Pleas*, at *Weſtminſter* afterwards, that is to ſay, in the Term of St. *Michael*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 13th. and 14th. in due manner of Record inrolled, one part whereof, with the Seals of the aforeſaid *Chriſtopher Digges* the Father, *John*, *Richard Brook*, and *Richard Horwood* ſealed, and to the Jurors aforeſaid in Evidence ſhewed, whoſe date is the ſame day and yeer, reciting the aforeſaid Indenture, bearing date the 6th. day of *May*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 10th. aboveſaid, made between the aforeſaid *Cheiſtopher Digges* the Father of the one part, and the aforeſaid

ſaid *Henry Gripps* Knight, *John Brook*, *Francis Gafacre*, *Richard Brook*, *Thomas Lewſon* and *Richard Horewood*, of otherthe part, Covenanted, Granted, and agreed, to and with the aforeſaid *Thomas Ovington*, and *Thomas Digges*, their Heirs and aſſignes in maner and form, as followeth in theſe words. Whereupon, and forand in Conſideration, that the ſaid *Chriſtopher Digges* is endebted to diverſe perſons in the ſum of a 1000 pound or there abouts & that he the ſaid *Chriſtopher* may have full authority to ſell and alienate part and parcel of all and ſingular his ſaid Lands and Tenements whatſoever for the payment of his ſaid debts, and for any other neceſſary purpoſe and intent, it is now Covenanted, granted, condeſcended, and agreed Between the ſaid *Chriſtopher Digges*, *John Brook*, *Richard Brook*, and *Richard Horewood*, and the above *Thomas Ovington* and *Thomas Digges* their Heirs and aſſigns. And the ſaid *Chriſtopher Digges*, *John Brook*, *Richard Brook*, and *Richard Horewood*, for them and every of them, their Heiirs and Aſſignes, by their Joynt conſent and agreement, do covenant and grant to and with the ſaid *Thomas Ovington*, and *Thomas Diggs* their Heirs and Aſſigns by theſe preſents, that from the time of the Inrollment of this preſent Indenture in the Queens Majeſties Court of *Chancery*, that all and every the ſaid uſe and uſes, conſiderations and intent, in any wiſe limitted, declared, and mentioned in the aboveſaid Indenture in theſe preſents above compriſed and for and as concerning all and ſingular their Manors Meſſuages, Lands, Tenements, Rents, Reverſions, Services, and Hereditaments whatſoever, with the appurtenances in any wiſe mentioned, meant, compriſed and ſpecified, in the aboveſaid Indenture in theſe preſents above compriſed except,—or Meadow lying and being in the Pariſh of *Biſhopsborne* in the ſaid County of *Kent* contayning by eſtimation —or thereabouts, and now or late in the occupation or poſſeſſion of one *Vincent Edley*, or of his Aſſigns, ſhall be utterly void and fruſtrate, and be determined and ended, and that the ſaid *Chriſtopher Digges* and his heirs, and all and every perſon and perſons which now ſtand and be ſeiſed, or at any time hereafter ſhall ſtand and be ſeiſed of and in all and ſingular the ſaid Mannors, Meſſuages, Lands, Tenements, Rents, Reverſions, Services, and Hereditaments whatſoever with the appurtenances, or any parcel thereof, in any wiſe mentioned, meant, compriſed, or ſpecified in the aboveſaid Indenture, in theſe preſents compriſed (except before excepted) ſhall from the time of the Inrolment of theſe preſents, ſtand and be ſeiſed of and in all and ſingular the ſaid Manors, Meſſuages, Lands, and Tenements, Rents, Reverſions, Services, and Hereditaments whatſoever with the appurtenances, in the ſaid former Indenture, or in theſe preſents meant, contained, or, ſpecified, and of and in all and every part and parcel thereof (except before excepted) to the only uſe of the ſaid *Chriſtopher Digges*, his Heirs & aſſignes for ever, & to no other uſe or uſes, purpoſes or intents. In witneſs whereof, the parties aboveſaid to theſe preſent Indentures their Seals enterchangeablie have ſet, dated the day and yeer firſt above written, as by the ſaid other Indenture further recited more fully appeareth: And the aforeſaid *Chriſtopher Digges* the Father, ſo as before is ſaid, of the Manors, Meſſuages, Lands, Tenements and Hereditaments, aforeſaid with the appurtenances, in the aforeſaid Indenture bearing date the 20th. day of *September* in the 13th yeer aboveſaid as the ſame requireth being —the ſaid *Chriſtopher Digges* the Father afterwards, and before the day of the be-

being of the *Monſtrans de droit* within written, that is to ſay, the 20th. day of *October* in the yeer of the Reign of the ſaid Lady the Queen that now is the 14th. By another certain Indenture between the ſaid *Chriſtopher Digges* the Father, of the one part, and *Richard Gaunt* Gentleman, and *Lawrence Applegate* of the other part made, one part of which with the Seal of the ſaid *Chriſtopher* to the Jurors aforeſaid, in evidence was ſhewed, whoſe date is the ſame day and yeer, covenanted and granted for him and his Heirs, to and with the aforeſaid *Richard Gaunt* and *Lawrence Applegate*, in manner and form as in the Indenture aforeſaid is conteyned, the Tenor of which followeth in theſe words. This Indenture made the 25th. day of *October* in the 14th. yeear of the Reign of our Soveraign Lady *Elizabeth* by the grace of God Queen of *England*, *France* and *Ireland*, defender of the Faith, &c. Between *Chriſtopher Digges* of *Barham*, in the County of *Kent* Eſquier, on the one party, and *Richard Gaunt* of the City of *Canterbury* Gentleman and *Lawrence Applegate* of the Pariſh of Saint *George* of the ſame City Draper, on the other party, Witneſſeth, That it is Covenanted, granted, condeſcended, and agreed, by all the parties to theſe Indentures by theſe preſents, in maner and form following, that is to ſay, that firſt the ſaid *Chriſtopher Digges* for him and his Heirs, Executors, and Adminiſtrators, doth Covenant and grant, to and with the ſaid *Richard Gaunt*, and *Lawrence Appeegate*, their Executors and aſſigns by theſe preſents, that he the ſaid *Chriſtopher* and *Martha* his Wife, before the end of this Inſtant Term of Saint *Michael*, upon the writ of Covenant to be perſued by the ſaid *Richard* and *Lawrence* out of the high Court of *Chancery*, and retornable before the Queens Majeſties Juſtices of the common plea at *Weſtminſter*, ſhall acknowledge and levy a fine of all thoſe the Manors, Lands, Tenements, Meadows, Marſhes, Paſtures, Feedings, Woods, Underwoods Rents, and Services, to any the ſame Manors appertaining, or in any waies belonging, ſet, lying and being in the Pariſhes of *Barham*, *Kingſtone*, *Biſhopsborne*, *Patrichborne*, *Littleborne*, *Wellborne*, *Sturrey*, *Harriſham*, Saint *Stephens*, *Hackington*, *Netherherds*, *Lenham*, & *Brenſted*, in the County of *Kent*, and alſo all other the Lands & Tenements whatſoever, which he the ſaid *Chriſtopher Digbes* now hath or late had in the ſame County, and that by the names of *Owtelmeſtone*, *Mayton*, *Hackington* and *Tokes Court*, with the appurtenances, & 40 Meſſuages, 20 Tofts, 1 Mill, 2 Dovehouſes, 20 Gardēs, 10 Orchards, 1000 Acres of Land, 100 Acres of Meadow, 100 Acres of Paſture, 600 Acres of Wood, 10 Acres of Heath & Furze, & 5 pound Rent, & the Rent of 10 Quarters of Barley with the appurtenances, in *Barham*, *Kingſtone*, *Biſhopsborne*, *Bridge*, *Patricksboone*, *Littleborne*, *Wellborne*, *Sturrey*, *St. Stephens*, *Hackington*, *Netherherds*, *Lenham*, *Harriſham*, *Frenſted*, *Sutton*, *Repple*, and *Sholden*, and nevertheleſs it is covenanted, granted, and agreed, between the ſaid *Chriſtopher Digges*, *Rich. Gaunt*, & *Lawrence Applegate*, & they their Heirs, Executors, & Aſſignes, do covenant and grant by theſe preſents, to and with the ſaid *Chriſtopher Digges* his Heirs, Executors, and Aſſignes, in form following, that is to ſay, that the ſame Fine, and the uſe and execution of the ſame, as to the Manor of *Tokes Court* with the appurtenances, and one Meſſuage called *Fokeham*, 500 Acres of Land, Meadow and Paſture by eſtimation be it more or leſs with the appurtenances, ſet, lying and being in the pariſhes of *Fremſted*, *Lenham*, & *Harriſham* in the County of *Kent* aforeſaid, 160 Acres of Laud, Meadow, and Paſture in the Pariſh of *Netherherds*, *Nackington*, and *Patricksborne* in the ſaid County, And all thoſe Lands arable

and Paſture, conteyning by eſtimation 200 Acres called *Gore* and *Ilding*, lying and being in the Pariſhes of *Barham* and *Kingſtone*, now late in the of *James Herenge* and *John Netherſale* or of their aſſigns, all Woods, Wood-Lands, Underwoods, Courts, Rents, perquiſites of Court, to all the ſame only excepted, ſhall be to the uſe of the ſaid *Chriſtopher Digges* and *Martha*, and the Heirs and Aſſignes of the ſaid *Chriſtopher Digges* for ever. And that the ſaid Fine, uſe, and execution thereof, as well to the ſaid Manors of *Owtelmeſtone*, *Mayton*, and all the Lands, Meadows, Marſhes Feedings, Woods, Underwoods, Rents and Services, to the ſame Manors or any of them belonging, or in any wiſe appertayning, and alſo all other the Lands, Meſſuages, Tenements, Meadows, Paſtures, Marſhes, Woods, Underwoods, and other Hereditaments whatſoever, above in theſe preſents ſpecified, mentioned, or compriſed, the uſe thereof in the aboveſaid Fine in form aboveſaid to be levyed and acknowleged before by this Indenture not limited or appointed (the Rent of 10 quarters of Barley only except) to be to the only uſe and behoof of the ſaid *Chriſtopher Digges* his Heirs and Aſſignes for ever, and to no other uſe or uſes, purpoſe or intent, and that the ſaid Fine or uſe and execution thereof as to the aboveſaid 10 Quarters of Barley to be to the only uſe and behoof of the aboveſaid *Richard Gaunt* and his Heirs for ever. In witneſs whereof the parties aboveſaid to theſe preſent Indentures their Seals enterchangeably have ſet, dated the day and yeer firſt above written; And the aforeſaid *Chriſtopher Digges* the Father (ſo as afore is ſaid) of the Manors, Meſſuages, Lands, Tenements and Hereditaments aforeſaid, with the appurtenances in the *Monſtrans de droit* within written ſpecified as the Law requireth, being ſeiſed, Afterwards, and before the bringing of the *Monſtrans de droit* within written, that is to ſay from the day of Saint *Martin* within writen in 15 dayes in the yeer of the Reign of the ſaid Lady the Queen that now is the 14th. aboveſaid, A Fine was levyed in the Court of the ſaid Lady the Queen that now is at *Weſtminſter* in the County of *Middleſex*, before *James Dyer*, *Richard Weſton*, *John Welſh*, and *Richard Harper*, then Juſtices: and afterwards in 8 dayes of Saint *Hillary* in the yeer of the ſame Lady the Queen that now is the 14th. aboveſaid there then granted and recorded before the ſaid Juſtices and others of the Queens faithfull people then and there preſent, between the aforeſaid *Richard Gaunt* Gentleman and *Lawrence Applegate* plaintiffs and the aforeſaid *Chriſtopher Digges* and *Martha* his Wife deforceants, of the Manors, Lands, Tenements, and Hereditaments, in the *Monſtrans de droit* within written with the appurtenances, amongſt other, by the names of the Manors of *Owtelmeſtone*, *Mayton*, *Nackington*, and *Tokes Court* with the appurtenances, and 40 Meſſuages, 20 Tofts, one Mil, 3 Dovehouſes, 20 Gardens, 12 Orchards, 1000 Acres of Land, 100 Acres of Meadow, 700 Acres of Paſture, 600 Acres of Wood, 100 Acres of Furze and Heath, and 100 ſhillings of Rent, and the Rent of 10 Quarters of Barley with the appurtenances in *Barham*, *Kingſtone*, *Biſhopsborn*, *Bridge*, *Patricksborne*, *Littleborne*, *Wellborne*, *Sturrey*, Saint *Stephens*, *Nackington*, *Netherherds*, *Lenham*, *Hariſham*, *Frinſted*, *Sutton*, *Ripple*, and *Shalden*, whereupon a plea of Covenant then was ſummoned between them in the ſaid Court, That the aforeſaid *Chriſtopher Digges*, and *Martha* do acknowlege, the aforeſaid Manors and Rents with the appurtenances, to be the Right of the ſaid *Richard*, and thoſe which the ſaid *Richard* and *Lawrence* then had of the gift of the aforeſaid *Chriſtopher* and *Martha* and theſe then remiſed

and

and quit claimed from them the ſaid *Chriſtopher* and *Martha* & their Heirs, to the aforeſaid *Richard* and *Lawrence* and the Heirs of the the ſaid *Richard* for ever: and moreover the ſaid *Chriſtopher*, and *Martha* then had granted for them & Heirs the of the ſaid *Chriſtopher*, that they warrant to the aforeſaid *Richard* and *Lawrence*, and the Heirs of the ſaid *Richard*, the aforeſaid Manors, Tenements, and Rents with the appurtenances, againſt all men for ever, and for this Recognition, Releaſe, Quit claim, warranty, Fine and Concord, the ſaid *Richard* and *Lawrence* gave to the aforeſaid *Chriſtopher* and *Martha* 8 pound Sterling, which Fine was levied with proclamations according to the form of the Statute in ſuch caſe made and provided. And further the Jurors ſay upon their oath aforeſaid, that the aforeſaid Fine, in form aforeſaid levyed, was had and levyed to the uſes and intents in the Indenture aforeſaid, bearing date the 26th. day of *October* in yeer of the Reign of the ſaid Lady the Queen that now is the 14th. as aboveſaid above ſpecified, By colour of which Fine, Indenture and Statute aforeſaid, the aforeſaid *Chriſtopher Digges* the Father was ſeiſed, of the Manors, Tenements, and Hereditaments aforeſaid, with the appurtenances, as the Law requireth: And the Jurors aforeſaid further ſay upon their Oath aforeſaid, That the aforeſaid *Chriſtopher Digges* the Father, ſo (as before is ſaid) of the Manors and Tenements above written as the Law requireth, being ſeiſed, the ſaid *Chriſtopher Digges* the Father, and the aforeſaid *John Brook*, *Richard Brook*, and *Richard Horewood*, afterwards, that is to ſay, the 7th. day of *November*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 14th. came into the Court of the ſaid Lady the Queen of her *Chancery*, and then and there acknowleged the Indenture aforeſaid, bearing date the 20th. day of *September*, in the 13th. yeer aforeſaid, to be their deed: and upon that the ſaid Indenture afterwards, that is to ſay, the 7th day of *November*, in the 14 yeer aforeſaid, in the ſaid Court of *Chancery* in due Maner of Record was Inrolled: By virtue of which, and force of the Statute aforeſaid, the ſaid *Chriſtopher Digges* the Father was of the Manors, Lands, and Tenements, within written ſeiſed as the ſame Law requireth; and ſo thereof being ſeiſed, the ſaid *Chriſto. Digges*, the Father, afterwards, and before the day of the bringing of the ſhewing of right within written, that is to ſay, the firſt day of *February* in the yeer of our Lord 1576, and in the yeer of the Reign of the ſaid Lady the Queen that now is the 19th. made his Teſtament and laſt Will in writing, of which ſaid Teſtament and laſt Will, the Tenor (amongſt other) followeth in theſe Words. In the Name of God Amen: The firſt day of *February*, in the yeer of our Lord God 1576, and in the 19th yeer of the Reign of our Sovereign Lady *Elizabeth*, by the grace of God Queen of *England*, *France* and *Ireland*, defender of the Faith, &c. I *Chriſtopher Digges* of Saint *Gregories*, without the Walls of the City of *Canterbury* Eſquire, Son and Heir of *William Digges* late of *Barham* in the County of *Kent* deceaſed, being ſick in body, but of good and perfect remembrance, thanked be the Almighty God, Revoking and making void all other my former wills, ordayn and make this my preſent Teſtament and laſt Will in manner and form following, That is to ſay, this is the laſt Will of me the aboveſaid *Chriſtopher Digges* made the day and yeer aboveſaid, touching the diſpoſition of all my Lands, Tenements, and Hereditaments, in the County of *Kent*, and *Canterbury*, or elſewhere in the Realm of *England*. Firſt touching the thirds and third part of my Land to be due

unto the Queens Majeſty, or any other for Wardſhip, Primer, ſeiſin, Livery or otherwiſe my Will and meaning is to leave to deſcend to *Thomas Digges* my Son, to have and to hold to him and his Heirs for ever, All theſe my Lands and Tenements called or known by the name of *Eaſtendown*, containing by eſtimation 10 Acres of Land, and all theſe Lands, Tenements, Hereditaments, which I had by deſcent after the death of *Thomas Digges* of *Newington* next *Sittingborn* Eſquire deceaſed, and if the ſaid Lands, Tenements, as is as aforeſaid left to deſcend to *Thomas* my Son, do not amount to ſatisfie the Queens Highneſſe of the Thirds, or third part to be due unto her Highneſſe, Then my Will and meaning is, That ſo much other Lands next adjoyning to the ſaid *Eaſtendown*, ſhall deſcend and be to my ſaid *Thomas Digges*, as ſhall ſuffice to ſatisfie and make up the Queens Highneſſe Thirds or third part, and that her Highneſſe be anſwered out of the Rents and Profits of the ſame, and out of the Demeſn made of the Mannor of *Owtelmeſtone*. *Item*, I will, That *Thomas Ovington* aforeſaid, immediatly after my departure of this preſent world, ſhall ſell all my Lands in the Pariſhes of *Hards* and *Nackington*, in the County aforeſaid, with the Rents thereunto belonging. *Item*, I will That the ſaid *Thomas Ovington*, or his Aſſignes, immediatly after my death, ſell all thoſe my Lands, Tenements and Hereditaments with the Appurtenances whatſoever, in the Pariſhes of *Sturrey* and *Hackington*, otherwiſe St. *Stephens*, in the County of *Kent* aforeſaid, and all thoſe my Gardens in the County of *Canterbury* aforeſaid, for the ſum of 200. pounds, of good and lawful Mony of *England*, And I will, that the ſaid 200. pounds, comming of the ſale of my Lands, Tenements, and Hereditaments aforeſaid with the appurtennces, in *Sturrey*, *Hackington*, and in the County of *Canterbury*, And alſo that all the Money coming of the ſale of all my Lands, in the Pariſhes of *Hards* and *Nackington* aforeſaid, ſhall go and be imployed towards the payment of my Debts, and for and towards the performance of this my preſent Teſtament and laſt Will. *Item*, I will, That if *Martha* my Wife, by Releaſe or otherwiſe, will grant over all that Eſtate that ſhe hath, or may have, in the Lands in *Hards* and *Nackington* aforeſaid, with the Rents thereunto belonging, by way of Joynture, unto ſuch as the ſaid *Thomas*, or his Aſſignes, ſhall make ſale thereof, That then the ſaid *Martha*, for and in recompence of her ſaid Joynture therein, ſhall have for term of her life, all my Lands in *Barham* aboveſaid, which I purchaſed of Mr. *William Awcher*, and alſo all my Lands there, as I late had of Mr. *William Boyes*, by way of Exchange for other Lands. *Item*, I will, That *Harry Aldy*, and *Nicholas Frankline* aforeſaid, ſhall have all the aforeſaid Lands and Tenements with their Appurtenances, Rents, Reverſions, Services, and Hereditaments, other than ſuch as before are given to *Thomas Digges* my Son, and to *Martha* my Wife for the term of her life, or by the way of Joynture or otherwiſe, or willed to be ſold as aforeſaid, and ſhall receive and take the yeerly Revenews and Profits thereof, for and towards the further and full payment of my Debts, and Legacies, and Annuities afore expreſſed and here under mentioned, and alſo of my Funeral Charges, for and towards the bringing up of my Sons and Daughters aforeſaid, until either *Martha* my Wife, or the aforeſaid *Thomas Ovington* and *Richard Brook*, or the aforeſaid *Thomas Ovington* enter into Bond unto the ſaid *Henry Aldy*, and *Nicholas Franklin*, or to their Aſſignes, in ſuch manner and form as before is expreſſed. *Item*, I will that if the aforeſaid *Thomas Ovington*, and

Rich-

Richard Brook, within one moneth after ſuch refuſal aforeſaid, my Wife do enter into Bond unto the aboveſaid *Hen. Aldey*, & *Nic. Franklin*, as is aforeſaid, & within the time aforeſaid That the ſaid *Tho.* & *Rich.* immediatly after ſuch Bond had & made, ſhall have the Lands & Tenements aforeſaid, and other Hereditaments whatſoever, other than ſuch as before are given to *Thomas Digges* my Son, or to *Martha* my Wife, for Term of her life by way of Joynture or otherwiſe, or appointed to be ſold, or are appointed to the Poor as is aforeſaid, and ſhall receive and take the yeerly Revenews and Profits thereof, in ſuch manner, and form. and for ſuch purpoſe and effect, and for no other, and for ſo long as my aforeſaid Wife ſhould have done, if ſhe ſhould have entred into Bond as aforeſaid, But if the aforeſaid *Richard Brook*, do not within the time above limited, enter into Bond to the aforeſaid *Henry* and *Nicholas*, with the ſaid *Thomas Ovington* in manner and form aforementioned, but ſhall refuſe or neglect ſo to do, Then I will, if the aforeſaid *Thomas Ovington*, within the time aforeſaid do enter into Bond, unto the aforeſaid *Henry Aldy*, and *Nicholas Franklin*, in the ſum of 400. pounds, according as is above ſpecified, Then I will, immediatly after the ſaid entry into ſuch Bond, by the ſaid *Thomas Ovington*, unto the ſaid *Henry* and *Nicholas* made and done, That then the ſaid *Thomas Ovington*, or his Aſſignes, ſhall have the aforeſaid Lands and Tenements, Rents, Reverſions, and Hereditaments, other then ſuch as before is given to *Thomas Digges* my Son, or to *Martha* my Wife, or appointed to be ſold, or appointed to the Poor to dwell in as aforeſaid, And receive and take the yeerly Revenews and Profits thereof, in ſuch manner and form, and for ſo long as my aforeſaid Wife, or her Aſſignes ſhould have done, if ſhe ſhould have entred into Bond as is aforeſaid, and as the aforeſaid *Richard Brook*, and the ſaid *Thomas Ovington* and their Aſſignes, ſhould have done, if the ſaid *Thomas Ovington* and *Richard Brook* had entred into Bond, unto the aforeſaid *Henry* and *Nicholas*, as is above ſpecified. *Item*, I will, after all my Debts, Legacies, Payments, Annuities, and Funeral Charges, ſhall be fully ſatisfied, diſchaged, or be, or may be fully levied, That then all my Lands and Tenements with their Appurtenances, other than the Lordſhip of *Tok*, and the Manor of *Fokeham* with their Aphurtenances, in the Pariſhes of *Leneham*, *Freinſted*, and *Hariſham* in the County of *Kent* aforeſaid, and the Lands of *Barham* aforeſaid, appointed to my Wife for term of her life as is aforeſaid, And the Lands and Tenements in *Sturrey* and *Hackington*, otherwiſe Saint *Stephens* in *Canterbury*, and the Lands in *Hardes* and *Nackington* aforeſaid, with the Rents thereunto belonging appointed to be ſold as aforeſaid (excepted and reſerved) ſhall be to my Eldeſt Son then living, and to the Heirs Males of his Body lawfully begotten for ever, paying yeerly unto every other of my Sons then living, untill every of them ſhall come to the age of 24. yeers, 4. pounds of lawful mony of *England*, at the Feaſt day of the *Annunciation* of our bleſſed Lady the Virgin, and Saint *Michael* the Archangel, by even portions half yeerly to be paid, and alſo paying yeerly to every of my aforeſaid Daughters then living, until every of them ſhall be maried, or ſhall come to the age of 21. yeers, five Marks, of lawful Mony of *England*, at the Feaſt days next aforeſaid, by even portions yeerly to be paid, And if default of payment happen to be of the aforeſaid ſeveral 4. pounds, yeerly to every or any of the aforeſaid Sons as is aforeſaid, or of the aforeſaid ſeveral five Marks yeerly to be paid, to every or any of the aforeſaid Daughters as is aforeſaid, That then it ſhall be

lawful to every, or to any of my aforeſaid Sons or Daughters, for default of payment of the ſums or ſum due unto them or any of them, by way of Annuity as is aforeſaid, into the Lands and Tenements and other Hereditaments, above limited to my Eldeſt Son aforeſaid, and to his Heirs Males as aforeſaid, to enter and diſtrein, and the diſtreſs there ſo taken lawfully with them or any of them to lead, drive, or carry away, until every of them ſhall be fully ſatisfied and paid. *Item*, I will, That after the deceaſe of *Martha* my Wife, if then my Eldeſt Son aforeſaid, or the Heir Male of his Body lawfully begotten then living, ſhall be of the full age of 22. yeers, That then the ſaid Eldeſt Son, or his Heir Male aforeſaid, ſhall have the aforeſaid Lordſhip of *Toke*, and the Manors of *Falkham* with their Appurtenances, and the Lands aforeſaid bought of Mr. *Awcher*, and had in Exchange of Mr. *Boys*, to him and the Heirs Males of his Body lawfully begotten for ever. And if then my Eldeſt Son aforeſaid, or his Heirs Males as is aforeſaid, ſhall come of the full age of 22. yeers, Then I will, that the yeerly Profits and Revenews of the aboveſaid Lordſhip of *Toke*, and Manor of *Falkham* with their Appurtenances, and the Lands aforeſaid bought of Mr. *Awcher*, and had in Exchange of Mr. *Boys*, aforeſaid, until my ſayd Eldeſt Son, or his Heir Male aboveſaid, ſhall come to the full age of 22. yeers, ſhall go and be imployed towards the payment of my Debts, Legacies, Payments, and Annuities aforeſaid. *Item*, I will, That if it happen my Eldeſt Son aforeſaid, or his Heir Male aforeſaid, to depart this tranſitory world without Heirs Males, or Male of his Body lawfully begotten, Then for lack of ſuch Heir Male, All and every the aforeſaid Lordſhip, Manors, Lands, Tenements, with the Appurtenances, Rents, Services, and Hereditaments, other than ſuch as are appointed to be ſold, and for the Poor as aforeſaid, ſhall be and remain to his next Eldeſt Brother then living, and to the Heirs Males of his Body lawfully begotten for ever, paying yeerly to every of his Brothers my Sons then living, until every of them ſhall be of the full age of 24. years, 4. pound of lawful mony of *England*, and to every of his Siſters, my Daughters then living, five Marks of lawful mony, in ſuch manner and form, and ſo long as is afore ſpecified. *Item*, I will, That all and ſingular the aboveſaid Lordſhips, Manors, Lands and Tenements with the Appurtenances Rents, Reverſions, Services, and Hereditaments, whatſoever in the County of *Kent*, or elſe where, other than ſuch as afore ſpecified to be ſold by *Thomas Ovington* aforeſaid, and willed to my Eldeſt Son aforeſaid, as is afore ſpecified, for lack of Heir Male of the Body of any my aforeſaid Sons, ſhall ſucceſſively remain from Brother to Brother, and to his Heir Male, paying yeerly for ſo long to his Brothers and Siſters as is aforeſaid; And if it fortune all my ſaid Sons depart this tranſitory world, without Heirs Males, or Male of their or his Body lawfully begotten, Then for lack of ſuch Heir Male, I will, all the aforeſaid Lordſhip, Manor, Lands and Tenements with their Apurtenances, Rents, Reverſions, Services and Hereditaments, in the Pariſhes of *Leneham*, *Frinſted*, *Harriſham* aforeſaid, ſhall be and remain to my Daughters aforeſaid, and to their Heirs for ever *Item*, I will, That all other my Lordſhips, Manors, Lands and Tenements with their Appurtenances, Rents, Reverſions and Services, and other Hereditaments in *Barham* aforeſaid, for lack of Heirs Males, or Male of the Body of any of my Sons lawfully begotten, ſhall remain to *Thomas Digges*, one of the Sons of *Leonard Digges Eſq.* late in the Pariſh of *Sutton*, in the County of *Kent* aforeſaid,

And

aud to the Heir Males, or Male of his Body lawfully begotten for ever; And for lack of ſuch Heir Male, to remain to *James Digges*, another of the Sons of the ſaid *Leonard*, and to the Heirs Males, or Male of his Body lawfully to be begotten for ever; and for lack of ſuch Heir Male, to remain to the Right Heirs of me the aforeſaid *Chriſtopher Digges*, another of the Sons of the aforeſaid *Leonard*, and to the Heirs Males of his body lawfully begotten for ever; and for lack of ſuch Heir Male, to remain to the right Heirs of me, the ſaid *Chriſtopher Digges* for ever, As by the Teſtament and laſt Will aforeſaid, amongſt other things more fully appeareth. And that afterwards, and before—— *&c.* that is to ſay, the ſecond day of *February*, in the year of the Reign of the ſaid Lady the Queen that now is the 19th. the aforeſaid *Chriſtopher*, the Father, at *Barham*, in the County aforeſaid dyed, of the Manors, Tenements, and Hereditaments aforeſaid, in the *Monſtrans de droit* within written, ſpecified, with the appurtenances mentioned ſo as aforeſaid as the Law requireth, ſeiſed. And further the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the aforeſaid *Martha Digges*, wife of the aforeſaid *Chriſtopher Digges*, the Father him the ſaid *Chriſtopher Digges* her Huſband over lived; and that the aforeſaid *Martha* afterwards, that is to ſay, the 4th. day of *May*, in the 19. year aforeſ. at *Barham* aforeſaid dyed: And further the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the aforeſaid *Thomas Digges* Father of the aforeſaid *Poſthumus Digges*, in the Inquiſition, and *Monſtrans de droit* named, and the aforeſaid *Tho. Diggs*, in the Indenture aforeſ. here firſt ſpecified named, were one and the ſame perſon, & not other nor divers; and that the Manors, Lands, and Tenements, in the Inquiſition aforeſaid ſpecified, and the Manors, Lands, and Tenements, in the Indenture aforeſaid here firſt mentioned and compriſed, are the ſelf ſame Manors, Lands, and Tenements & not others nor divers. And that the aforeſaid Lands & Tenements, whereof the uſes by the aforeſaid Indenture, bearing date the 6th. day of *May*, in the 12th. year aforeſaid are revoked, are not the Manors, Lands, and Tenements, in the aforeſaid *Monſtrans de droit* ſpecified, nor any parcel thereof. And that the uſes of the Manors, Lands, and Tenements, in the aforeſaid *Monſtrans de droit* ſpecified, nor any part thereof, by the aforeſaid ſecond Indenture here within ſpecified was not Revoked, annulled, or mentioned to be by the ſame revoked, or annulled: and that the aforeſaid Manors, Lands, and Tenements, whereof the uſes by the aforeſaid Indenture, bearing date the 20th. day of *September*, in the 13th. year aforeſaid, mentioned to be by the ſame Indenture, Revoked, and annulled, are the ſame Manors, Lands, and Tenements, in the *Monſtrans de droit* within written ſpecified; and not other, nor divers. But whether upon the whole matter aforeſaid, in form aforeſaid found, The ſaid *Chriſtopher Digges* the Father dyed ſeiſed of the Manors, Lands, and Tenements, in the *Monſtrans de droit* within written ſpecified in his demeſn as of Fee, as in the aforeſaid *Monſtrans de droit* it is ſuppoſed, or not, the Jurors aforeſaid, are utterly Ignorant. And thereof pray the Adviſe of the Juſtices aforeſaid, and of the Court here, *&c.* And if, upon the whole matter aforeſaid, by the Jurors aforeſaid, in form aforeſaid found, It ſhall ſeem to the ſame Juſtices and Court here, *&c.* That the aforeſaid, *Chriſtopher Digges* the Father dyed, ſeiſed of the Manors, & Tenements, in the *Monſtrans de droit* within written ſpecified in his demeſn as of Fee, or of any part thereof with the Appurtenances, Then the Jurors ſay, upon their Oath aforeſaid, That the aforeſaid *Chri-*

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ſtopher Digges the Father, dyed ſeiſed of the Manors, and Tenements, with the Appurtenances, in the *Monſtrans de droit* ſpecified, or of ſo much thereof, as to the ſame Juſtices ſhall ſeem the ſame *Chriſtopher* ſo dyed ſeiſed in his demeſn as of Fee, as the aforeſaid *Chriſtopher Digges*, the Son, & the aforeſaid *Edward Digges* within pleading have alleged, And it upon the whole matter aforeſaid, by the Jurors aforeſaid, in form aforeſaid found, It ſhall ſeem to the ſame Juſtices, and Court here, *&c.* That the aforeſaid *Chriſtopher Digges* the Father dyed not ſeiſed of the Manors, and Tenements, with the appurtenances, in the *Monſtrans de droit* within written ſpecified, or of any parcel thereof in his demeſn as of Fee, Then the ſaid Jurors ſay upon their Oath aforeſaid, That the aforeſaid *Chriſtopher Digges* the Father, dyed not ſeiſed of the Manors, and Tenements, with the Appurtenances, in the *Monſtrans de droit* within written ſpecified, or of ſo much thereof, as to the ſaid Juſtices aforeſaid, ſhall ſeem the ſame *Chriſtopher* ſo not to dye ſeiſed of in his demeſn as of Fee, in his demeſn as of Fee, as the ſaid *Thomas Palmer*, and *Margaret*, within pleading have alleged, And becauſe the Court of the Lady the Queen hereof giving their Judgement of and upon the premiſes, are not yet aviſed, day thereof is further given to the parties aforeſaid in ſtate is now before the Lady the Queen, untill the morrow of the Holy *Trinity*, whereſoever, *&c.* to hear their Judgement of, and upon the premiſes, *&c.* becauſe the Court of the Lady the Queen here thereof are not yet, *&c.* At which day, before the Lady the Queen at *Weſtminſter*, come as well the aforeſaid *Chriſtopher Digges* the Son, and *Edward Digges* by their Attorney aforeſaid, as the aforeſaid, *Thomas Palmer*, and *Margaret*, in their proper perſons; And becauſe the Court of the Lady the Queen here, of giving their Jugement, of and upon the premiſes, are not yet aviſed, further day is given to the parties aforeſaid in ſute, as now before the Lady the Queen, untill in 8. dayes of Saint *Michael* whereſoever, *&c.* to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof, are not yet, *&c.* At which day, before the Lady the Queen at *Weſtminſter*, come as well the aforeſaid *Chriſtopher Digges* the Son, and the ſaid *Edward Digges* by their Attorney aforeſaid, as the aforeſaid *Thomas Palmer*, and *Margaret*, in their proper perſons, and becauſe the Court of the ſaid Lady the Queen here of giving their Judgement, of and upon the premiſes are not yet aviſed, day thereof is given to the parties aforeſaid, before the Lady the Queen, untill in 8. dayes of Saint *Hillary* whereſoever, *&c.* for to hear their Judgement thereof, *&c.* becauſe the Court of the Lady the Queen here are not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the aforeſaid *Chriſtopher Digges* the Son, and *Edward Digges*, by their Attorney aforeſaid, as the ſaid *Thomas*, and *Margaret*, in their proper perſons, and becauſe the Court of the Lady the Queen here of, giving their Judgement of and upon the premiſes are not yet aviſed, further day is given to the parties aforeſaid, before the Lady the Queen, untill from *Eaſter* day, in 15. dayes whereſoever, to hear their Judgement thereof, *&c.* becauſe the Court of the Lady the Queen here, thereof are not yet, *&c.* At which day, before the Lady the Queen at *Weſtminſter*, come the aforeſaid *Chriſtopher Digges* the Son, and *Edward Digges* by their Attorney aforeſaid, as the aforeſaid *Thomas Palmer*, and *Margaret*, in their proper perſons, And becauſe the Court of the Lady the Queen, of giving their Judgement of and upon the premiſes are not yet aviſed, further day is given to the parties aforeſaid,

aforeſaid, before the Lady the Queen at *Weſtminſter*, untill the morrow of the *Holy Trinity* whereſoever, *&c.* to hear their Judgement hereof, becauſe the Court of the Lady the Queen here, are not yet, *&c.* At which day, before the Lady the Queen at *Weſtminſter*, come as well the aforeſaid *Chriſtopher Digges* the Son, and *Edward Digges* by their Attorney aforeſaid, as the aforeſaid *Thomas Palmer*, and *Margaret* in their proper perſons: Upon which ſeen and by the Court of the Lady the Queen here, all & ſingular the premiſes here fully underſtood, and mature deliberation thereof being had, Becauſe it ſeems to the Court of the Lady the Queen that now is here, That the aforeſaid *Chriſtopher Digges* the Father dyed not ſeiſed of the Manors, and Tenements with the Appurtenances, in the *Monſtrans de droit* aforeſaid above ſpecified, or of any parcel thereof in his demeſn as of Fee, It is granted that the aforeſaid *Chriſtopher Digges* the Son, and *Edward Digges* take nothing by their Writ aforeſaid, but for their falſe clamor thereof be in mercy, *&c.* And the aforeſaid *Thomas Palmer*, and *Margaret* go thereof without day, *&c.*

Prohibition: and Attachment upon *Prohibition.*

Eaſter Term, Anno 38. *Eliz. Rott.* 628. *in the* Kings Bench: *Co.* 2. part. The Biſhop of *Wincheſters* Caſe.

MEmorandum, that at another time, that is to ſay, *Michael.* Term laſt paſt, before the Lady the Queen at *Weſtminſter*, come *Robert Wright*, by *Thomas VVebb* the younger, and brought here in the Court of the ſaid Lady the Queen, then and there his Bill againſt *John VVright* Executor of the Teſtament and laſt Will of *Nicholas VVright* late whileſt he lived Farmer, as he affirmed, of the Rectory of the Pariſh Church of *Eaſtmeon*, otherwiſe called *Eaſtweam*, in the Dioceſſe of *VVincheſter*, in the Province of *Canterbury*, in the Cuſtody of the *Marſhalſea*, *&c.* in a Plea of Treſpaſs and Contempt againſt thoſe who proſecuted in the Spiritual Court, againſt the Queens Prohibition to the contrary thereof, directed and delivered: And are Pledges of ſute *John Doo*, & *Richard Roo:* which Bill followeth in theſe words: ſi. South: That is to ſay, *Robert Wright*, who as well for the Lady the Queen as for himſelf proſecuteth, complaineth of *John Wright* Executor of the Teſtament and laſt Will of *Nicholas Wright* deceaſed, late whil'ſt he lived, as he affirmed, of the Rectory of the Pariſh Church of *Eaſtmeon*, otherwiſe called *Eaſtmeam*, in the Dioceſs of *Wincheſter*, in the Province of *Canterbury*, in the Cuſtody of the Marſhal, of the *Marſhalſey* of the Lady the Queen, before the Queen her ſelf being, why he ſueth in the Spiritual Court, after the Queens Prohibition to the contrary thereof directed and delivered, for that, that is to ſay, whereas all and ſingular Pleas, and Conuſans of Pleas, of whatſoever grants, demyſes, or conttacts ariſing within this Kingdom of *England* made and had, and the validity of ſuch grants, and demyſes in Law, and other ſuch Pleas, and Conuſance of Pleas, ſo as

they be not Teſtamentary, or Matrimonial, to the ſaid Lady the Queen that now is, and her Royal Crown do eſpecially appertain; and by the Laws of the Land of this Kingdom of *England*, and not by the Laws or Sentences Eccleſiaſtical, ought to be tryed, determined, and diſcuſſed, and ever heretofore accuſtomed and ought to be; And whereas *Stephen* by Divine Providence, late Biſhop of *Wincheſter*, the 4th. day of *July*, in the yeer of the Reign of the Lord *Henry* late King of *England* the 8th. the 38th. was ſeized in his demeſn as of Fee in the Right of his Biſhoprick, of and in the Manor of *Eaſtmeon*, in the County aforeſaid, whereof one capital Meſſuage called the *Scite* of the Manor of *Eaſtmeon*, 800. Acres of Lands, 50. Acres of Meadow, 1000. Acres of Paſture, and 400. Acres of Wood with the Appurtenances, in *Eaſtmeon* in the County aforeſaid (being demeſn Lands of the Manor aforeſaid) then and time whereof the memory of man is not to the contrary, was and yet are parcel, and alſo of and in one Meſſuage with the Appurtenances, being in *Eaſtmeon* aforeſaid, being to the Manſion houſe of the ſame Manor. And whereas the ſaid *Stephen*, and all his Predeceſſors, Biſhops of the Biſhoprick aforeſaid, for the time being ſeized of the Manor aforeſaid, and other the premiſes with their Appurtenances, The *Scite* of the Manor aforeſaid, and the capital meſſuage aforeſaid, and the demeſn Lands aforeſaid with the Appurtenances, by himſelf, his Farmers, and Tenants thereof, and every parcel thereof for Term of yeers, or at Will, held and were injoyed, exonerated, acquitted, freed, diſcharged, and privileged, of and from the payment of Tithes whatſoever, of, in, or upon the capital meſſuage aforeſaid, and the demeſns aforeſaid with the Appurtenances, and of every and any parcel thereof yeerly what way ſoever, for the whole time aforeſaid, growing, happening, renewing, or ariſing. And the aforeſaid *Stephen*, late Biſhop aforeſaid, of the capital Meſſuage aforeſaid, and the demeſn Lands aforeſaid with the Appurtenances, in form aforeſaid being ſeized, and the ſame having, and holding, exonerated, acquitted, freed, and diſcharged, and privileged, of and from the payment of Tithes whatſoever, of, in, and upon the capital Meſſuage aforeſaid, and other the premiſes with the Appurtenances, or any parcel thereof, growing, renewing, or any wiſe happening. The ſaid *Stephen*, the 4th. day of *July*, in the yeer of the Reign of the ſaid late King *Henry* the 8th. the 38th. at *Eaſtmeon*, in the County aforeſaid, By his Indenture with his Seal Epiſcopal ſealed, and to the Court of the ſaid Lady the Queen that now is, here brought bearing date the ſame day and yeer, demiſed to one *Robert Wright*, Grandfather of the ſaid *Robert* that now is plantif, The Moyety of the demeſn Lands aforeſaid with the Appurtenances, By the name of all the Demeſn Lands of the Mannor of *Eaſtmeon* aforeſaid anciently belonging, with all Houſes, Stables, Barns, and Buildings upon the Moyety aforeſaid, then and of old time ſituate, lying and being with the Appurtenances, which Moyety, then lay in the fields on the South ſide of the Town of *Eaſtmeon* aforeſaid, Together with the Meadowes, Feedings, and Paſtures, Encloſures, Wayes, Pathes, and other their Appurtenances, together with the Farm of 40. Muttons, called Weathers, the higheſt price 16. pence, 40. Ew Sheep, the higheſt price 16. pence, To have and occupy the ſaid Moyety of the Tenemẽts aforeſaid with the Appurtenãces, in form aforeſaid demiſed, To the aforeſaid *Ro. Wright* the Grãdfather & his

Aſſignes,

Aſſignes, from the Feaſt of St. *Michael* the Archangel, in the yeer of our Lord God, 1575. until the end and Term of 40. yeers, then next following, and fully to be compleat and Ended: Yielding therefore yeerly during the Term aforeſaid, to the aforeſaid *Stephen* late Biſhop aforeſaid, or his Succeſſors, at his Exchequer of *Wolueſley* in *Wincheſter*, in the County of *Southampton*, then being, 10. pound, and 10. ſhillings, of lawful mony of *England*, at the Feaſts of *Eaſter* and St. *Michael*, by even and equal portions to be paid, and for the farm of the aforeſaid 40. Weathers, and 40. Ew Sheep, 11. pound, 13. ſhillings, and 4. pence, to be paid at the Feaſt of St. *Martin* the Biſhop *Ad vincula*, for the chief Weathers 3. pence, and for the chief Ews 4. pence, as by the ſame Indenture amongſt other things it more fully appeareth. Which Indenture of demiſe, to the aforeſaid *Robert Wright* the Grandfather, in form aforeſaid made, and all and ſingular therein contained, Afterwards, that is to ſay, the 20th. day of *July*, in the 38th. yeer aboveſaid, *William Kingſmill*, then Dean of the Cathedral Church of the *Holy Trinity* of *Wincheſter* aforeſaid, and the Chapter of the ſame place, at *Wincheſter* aforeſaid, that is to ſay, in their Chapter-houſe, there by their Writing of Confirmation with the Seal of the Chapter ſealed, in the life time of the aforeſaid *Stephen*, then being Biſhop of *Wincheſter* aforeſaid, and in the life time of the ſaid *Robert Wright* the Grandfather, now deceaſed, ratified, and confirmed, as by the Writing of Confirmation thereof bearing date the day and yeer laſt aforeſaid, amongſt other things it appeareth. By virtue of which demiſe and Confirmation, The ſame *Robert Wright* the Grandfather, was of the Intereſt of the Term aforeſaid, in the aforeſaid Moyety of the demeſn Lands aforeſaid with the Appurtenances, in form aforeſaid, demiſed, poſſeſſed, and the aforeſaid *Robert Wright* the Grandfather, of the Intereſt of the Term aforeſaid, in the Moyety of the demeſn Lands aforeſaid with the Appurtenances, in form aforeſaid demiſed being poſſeſſed, The ſaid *Robert Wright* the Grandfather, the 14th. day of *Auguſt*, in the yeer 1558. at *Eaſtmeon* aforeſaid, made his Teſtament and laſt Will in Writing, and by the ſaid his Teſtament made and ordained *Margaret* then his Wife, and *Nicholas Wright* his younger Son, to be Executors of his laſt Will, And by the ſaid his laſt Will, gave and bequeathed all his Intereſt aforeſaid, of and in the aforeſaid Moyety of the demeſn Lands aforeſaid, ſo as is ſaid demiſed, with the Appurtenances then to come, to *Edward Wright* the Eldeſt Son of the aforeſaid *Robert* the Grandfather, and afterwards the aforeſaid *Robert Wright* the Grandfather, at *Eaſtmeon* aforeſaid dyed, of his Intereſt aforeſaid, of and in the Tenements aforeſaid with the appurtenances, to the ſaid *Robert* the Grandfather, in form aforeſaid demiſed, poſſeſſed; After whoſe death, the aforeſaid *Margaret* and *Nicholas*, took upon them the burthen of Execution of his laſt Will & Teſtament aforeſaid, at *Eaſtmeon* aforeſaid, And the ſaid Executors at *Eaſtmeon* aforeſaid, gave their conſent that the ſaid *Edward Wright* ſhould have and enjoy to him and his Aſſignes, the intereſt aforeſaid, of the aforeſaid Term of years, of and in the Moyety of the demeſn Lends aforeſaid with the Appurtenances, to the ſaid *Robert Wright* the Grandfathe, in form aforeſaid demiſed; By virtue whereof the ſaid *Edward* was of the intereſt of the Term aforeſaid poſſeſſed, and being ſo thereof poſſeſſed, The ſaid *Edward*, the 11th. day of *July*, in the yeer of our Lord, 1563. at *Eaſtmeon* aforeſaid, made his Teſtament and laſt Will in Writing, and by his ſaid Teſtament conſtituted and appoint-

ed *Agnes* then his Wife, to be ſole Executrix of his ſaid laſt Will, And by the ſaid his laſt Will, gave and bequeathed all his intereſt aforeſaid, in the Moyety aforeſaid, of the demeſn Lands aforeſaid, ſo as before is ſaid, with the Appurtenances, to the aforeſaid *Robert Wright* now the plantif, one of the Sons of the ſaid *Edward*; And afterwards, the ſaid *Edward Wright*, at *Eaſtmeon* aforeſaid, dyed of his Intereſt aforeſaid, of and in the Moyety aforeſaid, of the demeſn Lands aforeſaid with the Appurtenances, in form aforeſaid demiſed, poſſeſſed; After whoſe death, the aforeſaid *Agnes* took upon her the burden of Execution of the laſt Will of the ſaid *Edward* aforeſaid, at *Eaſtmeon* aforeſaid, and the ſaid Executrix, at *Eaſtmeon* aforeſaid gave her conſent, that he the ſaid *Robert Wright*, ſhould have and injoy to him and his Aſſignes, the intereſt of the Term aforeſaid, of and in the aforeſaid Moyety of the demeſn Lands aforeſaid with the Appurtenances, in form aforeſaid demiſed. By virtue of which, the ſaid *Robert Wright* now plantif, was of the Intereſt of the Term aforeſaid of and in the Moyety of the demeſn Lands aforeſaid with the Appurtenances poſſeſſed, until the morrow of the Feaſt of St. *Michael* the Archangel, in the yeer of our Lord, 1575. in which morrow of the aforeſaid Feaſt of St. *Michael* the Archangel, in the yeer 1575. aforeſaid, The ſaid *Robert Wright* now plantif, into the aforeſaid Moyety of the demeſn Lands aforeſaid with the Appurtenances, entred, and was thereof poſſeſſed, And ſo thereof being poſſeſſed, the ſaid Moyety with the Appurtenances, had, held, and injoyed, and now hath and occupieth, and ought to have and occupy, of and from the payment of Tithes whatſoever, of, in, or upon the Moyety aforeſaid, of the demeſn Lands aforeſaid with the Appurtenances, or any parcel thereof yeerly, any manner of wayes growing and appertaining, renewing, or ariſing, for the occaſion aforeſaid in this behalf alleged, utterly exonerated, acquitted, freed and privileged, by reaſon of the Preſcription and Privilege aforeſaid. And whereas by the Statute in the Parliament of the Lord *Edward*, late King of *England* the 6th. holden at *Weſtminſter*, in the County of *Middleſex*, the 4th. day of *November*, in the ſecond yeer of his Reign, amongſt other things, It is enacted by authority of that Parliament, That no perſon be ſued, or otherwiſe compelled to yeeld, giue, or pay, any manner of Tithes, for any Manors, Tenements, or Hereditaments, which by the Laws and Statutes of this Kingdom of *England*, or by any Privilege or Preſcription, were not chargeable with the payment of any ſuch Tithes, by any Compoſition reall, as by the ſaid Act amongſt other things it more fully appeareth; Yet the aforeſaid *Nicholas Wright*, in his life time pretending himſelf to be Farmer of the Rectory of the Pariſh Church aforeſaid, and by colour of a demiſe to him thereof made, by *Thomas* by Divine Providence then Biſhop of *Wincheſter*, for the Term of 21. yeers ſuppoſed to be made, upon that occaſion falſely ſuppoſing Tithes, whatſoever in and upon the aforeſaid Moyety of the demeſn Lands aforeſaid with the Appurtenances, to the aforeſaid *Robert Wright*, the Grandfather, in form aforeſaid demiſed, ariſing and happening to the ſaid *Nicholas Wright*, by virtue of the demiſe aforeſaid, to him in form aforeſaid ſuppoſed to be made, to belong and appertain, whereas in truth, The ſaid *Robert* now plantif, the Moyety aforeſaid of the demeſn Lands aforeſaid, by virtue of the Demiſe aforeſaid, to the aforeſaid *Robert Wright*, the Grandfather, in form aforeſaid made, and by reaſon of the immunity of the Privilege and Act aforeſaid above ſpecified,

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was exonerated, acquitted, freed, and privileged, of and from payment of Tithes, whatſoever thereupon growing, to have and injoy, ought during the Term aforeſaid, to the aforeſaid *Robert Wright* the Grandfather, in form aforeſaid granted of the premiſes, not ignorant, endeavouring, the Queens Majeſty that now is, and her Regal Crown to diſinherit, and to draw the conuſance of her Pleas, which do belong to her Royal Crown, and not to the ſpiritual Court, to another Jurisdiction and Examination in the ſpiritual Court, ſuppoſing the Indenture of demiſe aforeſaid, to the aforeſaid *Robert Wright* the Grandfather made, and the Writing of Confirmation aforeſaid, as alſo the Eſtate of him the ſaid *Robert* now plantif, of and in the Moyety aforeſaid, of the demeſn Lands aforeſaid with the Appurtenances, to the aforeſaid *Robert* the Grandfather, from the Tithes aforeſaid, in form aforeſaid diſcharged had and made, to be void and of no validity in Law, whereas in truth, The Indenture of demiſe aforeſaid, and the Writing of Confirmation thereof, and alſo the Eſtate of the ſaid *Robert* aforeſaid, the now plantif, of and in the Moyety of the aforeſaid demeſn Lands aforeſaid, with the Appurtenances to the aforeſaid *Robert* the Grandfather, in manner aforeſaid demiſed, ſo as before is ſaid diſcharged of Tithes, is good and effectual in the Law; And whereas in truth, the ſame demiſe to the aforeſaid *Nicholas* in form aforeſaid alleged to be made, (if any ſuch was,) was utterly void and inſufficient in Law, & as to any Tithes of, in, and upon the aforeſaid Moyety of the demeſn Lands aforeſaid growing is; The ſaid *Robert Wright* now the plantif, in the ſpiritual Court before the Reverend and worthy Man, Mr. *William Awbray*, Doctor of Law, in the Court of Audience of cauſes and buſineſſe, in the Court of *Canterbury* lawfully deputed to hear, of and for the withdrawing, and not payment of Tithes of Wheat, Barly, Peaſe, and Beans, of, in, and upon, the aforeſaid Moyety of the demeſn Lands aforeſaid, in the yeer of our Lord, 1590. growing, renewing, ariſing, and happening, as alſo of and for the withdrawing, and non payment, of the Tithes of the Wool of Lambs and Sheep, of the ſaid *Robert* now plantif, of, in, and upon the aforeſaid Moyety of the demeſn Lands aforeſaid, in the yeer of our Lord aforeſaid, kept ſhorn and ariſing, as alſo of the Tithes of the Aples of the ſaid *Robert Wright* the plantif, of, in, and upon, the ſaid aforeſaid Moyety of the demeſn Lands aforeſaid, in the yeer aforeſaid, growing, gotten, and ariſing, the 8th. day of *October*, in the yeer of the Reign of the ſaid Lady the Queen that now is, at *Eaſtmeon* aforeſaid, in the County aforeſaid, drew into ſute: And the aforeſaid *Nicholas*, the ſame *Robert* now plantif, before the aforeſaid ſpiritual Judge, for that occaſion aforeſaid to appear, and to the ſaid *Nicholas*, of and upon the premiſes, to anſwer in that manner the validity in Law of the Indenture of the demiſe aforeſaid, by the ſaid *Stephen* late Biſhop aforeſaid, in form aforeſaid made, and the Confirmation aforeſaid, as alſo the Eſtate of the ſaid *Robert* the now plantif aforeſaid, of and in the aforeſaid Moyety of the aforeſaid demeſn Lands with the Appurtenances, to the aforeſaid *Robert Wright* the Grandfather, in form aforeſaid made, and the Tithes thereof ariſing, to the ſpiritual Court aforeſaid, to draw and determine, cauſed moſt unjuſtly bound: Which Plea, by Appeal in that behalf had and made, from the aforeſaid Court of Audience, before the worſhipful and worthy men, *Robert Forth*, *Thomas Binge*, *John Lloyd*, *Thomas Legg*, and *Richard Swale*, Doctors of Law, Judges, Delegates, in that behalf was duly removed, and in the ſpiritu-

ſpiritual Court before the ſame Judges Delegates, or ſome of them at *Eaſtmeon* aforeſaid, as yet dependeth undecided: and although the ſaid *Robert* the now Plaintiff, The Indenture of demyſe aforeſaid, and the Writing of Confirmation aforeſaid, and the Eſtate of the ſaid *Robert* now Plaintiff aforeſaid, of and in the aforeſaid Moyety of the demeſn Lands aforeſaid, of the Tythes aforeſaid, diſcharged with the appurtenances, to the aforeſaid *Robert Wright* the Grand Father in form aforeſaid demyſed, and the other matter aforeſaid in this part conteined, as well to the aforeſaid ſpiritual Court, before the aforeſaid *William Ambrey*, ſpiritual Judge aforeſaid, as in the aforeſaid ſpiritual Court, before the Judges Delegates aforeſaid, in diſcharge of the premiſes is ſhewed, pleaded, and alleged, and the Sealing and delivery of the Indenture aforeſaid, and of the Writing of Confirmation aforeſaid, and the reſidue of the matter in that behalf conteined on the part of him the ſaid *Robert Wright*, the now Plaintiff, in the premiſes in that behalf alleged according to the Law of this Kingdom of *England* with unavoidable truth and witneſs he offered to prove, yet the ſaid Judge of the Court of Audience aforeſaid, and the aforeſaid Judges Delegates in the aforeſaid ſpiritual Court aforeſaid, The Plea, Allegation, and that proof utterly refuſed, and every of them refuſed to admit. And afterwards the Appeal aforeſaid ſo depending in the aforeſaid ſpiritual Court before the Judges aforeſaid, The ſaid *Nicholas Wright* at *Eaſtmeon* aforeſaid, made his Teſtament and laſt Will in writing, and thereof conſtituted and ordained *John Wright* his Executor of his ſaid Teſtament, and afterwards there dyed, after whoſe death, the aforeſaid *John Wright*, took upon him the charge of the Execution of the Teſtament aforeſaid, and the Proſecution of the Appeal aforeſaid, in the cauſe aforeſaid, and afterwards the aforeſaid *John Wright* the Executor aforeſaid, the aforeſaid *Robert Wright* now Plaintiff in the aforeſaid ſpiritual Court, before the aforeſaid Judges Delegates at *Eaſtmeon* aforeſaid, for the occaſion aforeſaid unjuſtly bound to appear, and the ſaid *Robert* now Plaintiff, of, and in the premiſes to condemn, and to the Tythes aforeſaid, in the aforeſaid ſeveral ſpiritual Courts in form aforeſaid demanded to him to be paid, to compel by the Definitive ſentence of the ſaid Court of Delegates, with all his power, yet endeavoureth, and daily threatneth: And although the Writ of the aforeſaid Lady the Queen of Prohibition to the aforeſaid Judges Delegates, and other Judges in that behalf, the 12th, day of *July*, in the year of the Reign of the Queen that now is, the 37th at *Eaſtmeon* aforeſaid to the contrary thereof was directed and delivered, The ſaid *John Wright* the Plea aforeſaid, after the Queens Majeſties Prohibition firſt to the contrary thereof, in form aforeſaid directed and delivered, that is to ſay, the firſt day of *October* in the year of the Reign of the ſaid Lady the Queen that now is, the 37th. at *Eaſtmeon* aforeſaid, in the County aforeſaid proſecuted, and in the Plea aforeſaid, proceeded, the ſaid Writ of the ſaid Lady the Queen of Prohibition, to the aforeſaid ſpiritual Judges, firſt to the contrary thereof in form aforeſaid directed and delivered in any thing notwithſtanding, in contempt of the ſaid Lady the Queen that now is, and to the damage, prejudice, impoveriſhing, and grievous moleſting of him the ſaid *Robert* now Plaintiff, and contrary to the form and effect of the Preſcription, Privilege, and Act of Parliament aforeſaid; whereupon the ſame *Robert* now Plaintiff ſaith, That he is the worſe, and hath damage to the value of 40. Marks, and thereof as well for the

ſaid

ſaid Lady the Queen, as for himſelf, he bringeth ſute, &c. And now at this day, that is to ſay, *Wednesday* after 15. of *Eaſter* this Term, untill which day the ſaid *John Wright*, had licenſe to the Bill aforeſaid to imparl, cometh as well the ſaid *Robert Wright* by his Attorney aforeſaid, as the aforeſaid *John Wright*, by *Stephen Worley* his Attorney, and the ſaid *John*, defendeth the force and injury when, &c. and all the contempt, and whatſoever, &c. and ſaith, he did not proſecute the Plea aforeſaid, in the ſpiritual Court aforeſaid, after the Queens Prohibition to him firſt to the contrary directed and delivered, in manner and form as the aforeſaid *Robert Wright*, who aſwel, &c. above againſt him complaineth: And of this puts himſelf upon the Country, and the aforeſaid *Robert* who aſwel for, &c. likewiſe, &c. But to have a conſultation in this behalf, The ſaid *John* by Proteſtation not acknowleging any thing by the aforeſaid *Robert* above alleged to be true, For Plea, the ſaid *John* ſaith, That well and true it is, That the aforeſaid *Robert*, in the aforeſaid ſpiritual Court, before the aforeſaid Judges, Delegates, ſhewed, pleaded, and alleged, That the aforeſaid *Stephen* late Biſhop of *Winchester* aforeſaid, the aforeſaid 4th. day of *July*, in the 38th. yeer aforeſaid, was ſeized of the aforeſaid Manor of *Eaſtmeon* with the Appurtenances, in the County of *Southampton* aforeſaid, whereof the aforeſaid capital Meſſuage with the Appurtenances, called the *Scite* of the Manor of *Eaſtmeon*, 800. Acres of Land, 500. Acres of Meadow, 400. Acres of Wood with the Appurtenances, in *Eaſtmeon* aforeſaid, being demeſn Lands of the Manor aforeſaid, then and from the time aforeſaid were parcel, And of and in the aforeſaid Meſſuage with the Appurtenances, being the Manſion houſe of the Manor aforeſaid, in his demeſn as of Fee in the right of his Biſhoprick aforeſaid, And that the ſaid *Stephen* and all his Predeceſſors, Biſhops of the Biſhoprick aforeſaid, being ſeized of the Manor aforeſaid, and other the premiſes with their Appurtenances, from the whole time aforeſaid, for him and his Farmers, his Tenants thereof, and of every parcel thereof, for the term of yeers, or at will, had, holden, and enjoyed, to them diſcharged, acquitted, freed, and privileged, of and from the payment of any Tithes, of, in, or upon the aforeſaid capital Meſſuage and demeſn Lands aforeſaid with the Appurtenances, and every part and parcel thereof yeerly, any manner of ways, by the whole time aforeſaid, growing, happening, and renewing or ariſing; And that the aforeſaid late Biſhop, of the capital Meſſuage aforeſaid, and of the demeſn Lands aforeſaid with the Appurtenances, in form aforeſaid being ſeized, and the ſame having, and holding, exonerated, acquittted, freed, and privileged, of and from the payment of Tithes whatſoever, in and upon the capital Meſſuage aforeſaid, and other the premiſes with their Appurtenances, or any part thereof growing, renewing, or in any wiſe happening, the aforeſaid 4th. day of *July*, in the yeer of the reign of the aforeſaid late King *Henry* the 8th. the 38th. aforeſaid, at *Eaſtmeon* aforeſaid, by his aforeſaid Indenture, with the Seal of his Biſhoprick ſealed, bearing date the ſaid day and yeer, demiſed to the aforeſaid *Robert Wright*, the Grandfather of the aforeſaid *Robert*, The Moyety of the demeſn Lands aforeſaid with the Appurtenances, by the name of all the demeſn Lands of the Manor of *Eaſtmeon* aforeſaid, of old appertaining, with all Houſes, Stables, Barns, and Buildings, upon the Moyety aforeſaid then and of old, ſituate, lying, and being, with the Appurtenances, which Moyety, then lay in the Fields on the South part of the Town of *Eaſtmeam* aforeſaid,

aforeſaid, To have and to hold the ſaid Moyety with the Appurtenances, to the aforeſaid *Robert Wright* the Grandfather, and to his Aſſignes, from the Feaſt of St. *Michael* the Archangel, which then ſhould be in the yeer of our Lord God, 1575. until the end and Term of 40. yeers, from thence next following and fully to be ended; And that afterwards, that is to ſay, The aforeſaid 20th. day of *July*, in the 38th. yeer aforeſaid, the aforeſaid *William Kingſmill*, then Dean of the aforeſaid Cathedral Church of the *Holy Trinity* of *Wincheſter*, and the Chapter of the ſame place, at *Wincheſter* aforeſaid, in their Chapter-houſe aforeſaid, by their Writing aforeſaid ſealed, with the Chapter-Seal aforeſaid, in the life of the aforeſaid late Biſhop, and in the life time of the aforeſaid *Robert Wright* the Grandfather, confirmed and ratified; And that the ſaid *Robert Wright*, by virtue of the demiſe and confirmation aforeſaid, was of the intereſt of the Term aforeſaid, of and in the Moyety aforeſaid with the Appurtenances poſſeſſed, and ſo thereof being poſſeſſed, the aforeſaid 14th. day of *Auguſt*, in the yeer of our Lord, 1658. aforeſaid, at *Eaſtmeon* aforeſaid, made his Will in Writing, and by his ſaid Will, conſtituted the aforeſaid *Margaret* and *Nicholas Wright* his Exeeutors, and by the ſaid his Will, gave and bequeathed all his intereſt aforeſaid, of and in the Moyety aforeſaid with the Appurtenances, to the aforeſaid *Edward Wright*, Son of the ſaid *Robert* the Grandfather. And afterwards, at *Eaſtmeon* aforeſaid dyed, of his Intereſt aforeſaid, in form aforeſaid poſſeſſed; After whoſe death the aforeſaid *Edward*, by the aſſent of the Executors aforeſaid, was of the Intereſt of the aforeſaid Term of yeers, of and in the Moyety aforeſaid with the Appurtenances poſſeſſed. And that the ſaid *Edward*, ſo being thereof poſſeſſed, the aforeſaid 11th. day of *July*, in the yeer of our Lord, 1563. aboveſaid, at *Eaſtmeon* aforeſaid, made his Will in Writing, and by his ſaid Will conſtituted one *Agnes* then his Wife his Executrix of his Will aforeſaid; And by the ſaid his Will gave and bequeathed all his Intereſt aforeſaid, of and in the Moyety aforeſaid with the Appurtenances, to the aforeſaid *Robert Wright* the now plantif, and afterwards there dyed of ſuch his intereſt aforeſaid, of and in the Moyety aforeſaid with the Appurtenances, in form aforeſaid poſſeſſed; And that the ſaid *Robert* now plantif, by the conſent of the ſaid *Agnes*, the burden of the Execution of the Will aforeſaid, upon her taking, was of the Intereſt of the Term aforeſaid, of and in the Moyety aforeſaid with the Appurtenances, poſſeſſed, until the Feaſt of St. *Michael* the Archangel, in the yeer of our Lord, 1575. immediately after which Feaſt, the ſaid *Robert* into the Moyety aforeſaid with the Appurtenances entred and was thereof poſſeſſed, and that the aforeſaid *Robert* thereof ſo poſſeſſed, the ſaid Tenements with the Appurtenances, likewiſe had and occupyed, and ought to have and occupy, of and from the payment of Tithes, whatſoever, of, in, and upon the Moyety aforeſaid with the Appurtenances, or any part thereof yeerly, any wayes growing, happening, renewing, or ariſing by the occaſion aforeſaid alleged, utterly diſcharged, acquitted, freed, and privileged, by reaſon of the Preſcription and Privilege aforeſaid, and by force of the ſaid Statute aforeſaid in the aforeſaid Parliament of the aforeſaid late King *Edward* the 6th. at *Weſtminſter* aforeſaid, the aforeſaid 4th. day of *November*, in the ſecond yeer of his Reign, of the payment of Tithes, then made as the aforeſaid *Robert Wright* now plantif above alleged; But the ſaid *John Wright* further ſaith, That the aforeſaid Judges, Delegates, in the aforeſaid Court, before

fore them, the Plea and Allegations of the aforeſaid *Robert Wright*, now plaintif, allowed, and the Proofs thereof by him the ſaid *Robert* brought, accepted, and admitted. Without that that the aforeſaid Judge, Delegates, in the aforeſaid ſpiritual Court before them, the Plea, Allegations, and Proofs, of the aforeſaid *Robert Wright*, now plaintif aforeſaid, refuſed to admit in manner and form, as the aforeſaid *Robert* now plaintif above hath alleged: And this he is ready to aver, whereupon he demands Judgement, and the Writ of the Lady the Queen of conſultation, to him in this behalf to be granted. And the aforeſaid *Robert Wright* now Plaintif ſaith, That he for any thing by the aforeſaid *John Wright*, above in pleading alleged, The ſaid Writ of the ſaid Lady the Queen of Conſultation ought not to have, Becauſe he ſaith, That the Plea aforeſaid, by him the ſaid *John Wright*, in form aforeſaid above pleaded, & the matter therein contained, is inſufficient in Law to the aforeſaid Writ of the Lady the Queen of Conſultation to be brought, to which the ſaid *Robert* needeth not, nor by the Law of the Land is bound in any wiſe to anſwer, wherefore for default of ſufficient anſwer in this behalf, The ſaid *Robert* demandeth Judgement, and his damages aforeſaid for the occaſion aforeſaid, to be adjudged unto him, *&c* And the aforeſaid *John Wright* ſaith, That the Plea aforeſaid, by him the ſaid *John*, in manner and form aforeſaid above pleaded, and the matter in the ſame contained, is good and ſufficient in Law, to the aforeſaid Writ of the ſaid Lady the Queen of Conſultation, to have and demand, which Plea, and the matter in the ſame contained, the ſaid *John* is ready to aver, and prove as to the Court, *&c.* And becauſe the ſaid *Robert* to that Plea doth not Anſwer, nor the ſame hitherto any wiſe denyeth, the ſaid *John* as at firſt demandeth Judgement, & the Writ of the ſaid Queen of Conſultation, in this behalf to be granted unto him, *&c.* And becauſe the Court of the Lady the Queen here of giving their Jndgemen of and upon the premiſes is not yet aviſed, day is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter*, until the ſame ---- next after ----- to hear their Judgment of and upon the premiſes, *&c.* Becauſe the Court of the Lady the Queen here, are not yet, *&c.*

Prohibition.

Michaelmas Term, Anno 31. and 32. *Eliz.* *Rot.* 447. in the *Common-Pleas*, Co. 4. part, *Jeffreyes* Caſe. *Fol.* 64.

MEmorandum, That upon *Monday*, next after a Moneth of St. *Michael* this Term, before the Lady the Queen at *Weſtminſter*, came *William Jeffrey Gent.* in his proper perſon, and informed the Court of the Lady the Queen that now is here, That whereas, according to the Law of the Land, and the Cuſtom of this Kingdom of *England*, time whereof the Memory of Men is not to the contrary, within the ſaid Kingdom had and uſed, The Inhabitants and Reſidents within any Pariſh within the Kingdom aforeſaid, within which any Pariſh Church is, The ſaid Church

at their own propper coſts, as often as need required was repaired, and from the whole time aforeſaid, uſed to be, and ought to be repaired, And that every other perſon or perſons, inhabiting without the ſame Pariſh in any other Pariſh, from the Reparations thereof from the time aforeſaid, were diſcharged and acquitted, And whereas by the Law of the Land, and the Cuſtom aforeſaid, It is not lawful to any perſon or perſons, to impoſe any Rate or Tax upon any perſon, not dwelling in any Pariſh where ſuch Church to be repaired, is, in reſpect, or by reaſon of any Lands or Tenements, which the ſaid perſon holdeth or occupieth in the ſaid Pariſh, where the ſaid Church is to be repaired, as above is ſaid for the Reparation of any Church ſo unrepaired, without his conſent. And whereas alſo the Tryal and Determinaton of the cauſe aforeſaid, is a matter determinable at the Common Law, and not by the Laws or Cenſures Eccleſiaſtical, any wayes to be Tryed, Ended, or Diſcuſſed, nor uſed to be time whereof the Memory of Man is not to the contrary; Yet *Abraham Kenſhely*, and *Thomas Foſter*, Churchwardens of the Pariſh of *Hayleſham*, in the County of *Suſſex*, not being ignorant of the Premiſes, falſely, and ſubtilely, pretending the aforeſaid *William Jeffrey*, to be an Inhabitant within the Pariſh of *Hayleſham* aforeſaid, (whereas in truth, the aforeſaid *William Jeffrey* is, and was dwelling within the Pariſh of *Chiddingly*, in the County aforeſaid, and never was dwelling within the Pariſh of *Hayleſham* aforeſaid) And the ſame Church of *Hayleſham* aforeſaid, by Tenants and Proprietors of Lands and Tenements within the ſame Pariſh behoved, and ought to be repaired, Endeavouring the Queens Majeſty that now is, and her Regal Crown to diſinherit, and the Conuſance of Pleas, which to the ſaid Queens Majeſty, and to her Regal Crown, and not to the ſpiritual Court doth belong, to draw to be determined in the ſpiritual Court, The ſaid *William Jeffrey*, in the ſpiritual Court aforeſaid, before Doctor *DREWRY*, Doctor of Law in and throughout the whole Archdeaconry of *Lewis*, of the moſt Reverend Father in Chriſt by Divine Providence, *Thomas* Lord Biſhop of *Chicheſter*, lawfully deputed, at the procuring of the ſame *Abraham* and *Thomas*, in this behalf, of and for a certain Tax upon him the ſaid *William Jeffrey*, to and about the Reparations of the Pariſh Church of *Hayleſham* aforeſaid, impoſed, cauſed to be cited, and him the ſaid *William* in the ſpiritual Court aforeſaid, before the aforeſaid ſpiritual Judge to appear, and him the ſaid *William* ſo appearing to anſwer to certain Articles of & for the Tax aforeſaid, that is to ſay, for that the ſaid *William Jeffrey*, knew, believed, & heard, that within the Archdeaconry of *Lewes*, in the County aforeſaid, there was a Church commonly called the Pariſh Church of *Hayleſham*, & that the ſaid Pariſh Church, as well in the tiling as in the covering thereof, as in other things needed and wanted, ſo that unleſs it were repaired, it was feared it would fall to decay and ruine: And that as well of Common Right, and of an ancient and laudable Cuſtom, as alſo time whereof the Memory of Men is not to the contrary, inviolably, and unqueſtoned, it was uſed and obſerved, within the Pariſh of *Hayleſham* aforeſaid, That all and ſingular the Pariſhoners intending the Reparation of any Church unrepaired, according to the Rate and the Quality of their poſſeſſions, having and occupying in ſame Pariſh, might or ought to impoſe a Rate or Tax, and alſo that the ſaid Church (mature deliberation being had thereof) could not

be

be repaired for leſſe ſum than Threeſcore and Ten pounds, As alſo that the Church-wardens of the Pariſh Church of *Hayleſham* aforeſaid, for the time being, in the yeer of our Lord, 1589. and two yeers then laſt paſt, of and with the conſent of all the Pariſhioners of *Hayleſham* aforeſaid, or the greater or better number of the ſame, A Rate according to the Quantity and Qualities of the poſſeſſions aforeſaid, and of the Rents within the ſaid Pariſh, being for the Reparation of the ſaid Church, of the poſſeſſions aforeſaid, or Rents in the ſaid Pariſh of all and ſingular to be impoſed, and the ſame to be taxed, had, decreed, and had appointed a day and place, for the Rate and Tax aforeſaid to be made, And that of the ſame day in which the ſaid Rate ſhould be impoſed, notice was given to all the Pariſhioners aforeſaid, as alſo to Forreiners having Lands, Poſſeſſions, or Rents, in the Pariſh of *Hayleſham* aforeſaid, and alſo in the publick Market there: And that at the time and place appointed for the impoſing of the aforeſaid Tax or Rate, thoſe Church-wardens, as alſo the Pariſhioners of the ſaid Pariſh, to the Rate and Tax aforeſaid to be made proceeded, And the ſum of 4. pence of every Acre of Land, called *Marſh-land*, as alſo the ſum of 2. pence, of lawful Mony of *England*, of every Acre of Land called *Upland*, within the Pariſh of *Hayleſham* aforeſaid being, for the Reparations of the aforeſaid Pariſh Church, by the havers and occupiers of the aforeſaid Acres were impoſed, to be paid to the Church-wardens of the aforeſaid Pariſh Church. As alſo that the ſaid *William*, 30. Acres of Marſh, called Marſh Ground, and 100. Acres of Land, called *Upland*, within the Pariſh aforeſaid held and occupyed, or Rents for the ſame then received; And that the ſum from the havers and occupyers of the poſſeſſions aforeſaid, or Rents within the aforeſaid Pariſh of *Hayleſham* aforeſaid, did not extend unto above the ſum of 50. pounds of good and lawful Money of *England*, according to the Rate and Tax aforeſaid, to be levied and collected, under the name & colour of their Office (as before is ſaid) of & upon the premiſes to anſwer unjuſtly bound. And although the ſaid *William Jeffrey*, the matter aforeſaid, above contained, in the ſpiritual Court aforeſaid, before the aforeſaid ſpiritual Judge, in his diſcharge of the premiſes often had pleaded, alleged, and the ſame with inevitable truth and good Witneſſe offered to prove, that he by the Law of the Land in form aforeſaid ought not to be cited, for the payment of the aforeſaid ſum upon him the ſaid *William Jeffrey*, for the Reparations of the Church of *Hayleſham* aforeſaid, as before is ſaid taxed, and for that the Tax aforeſaid, for the Reparations of the Church aforeſaid, in the caſe aforeſaid, is a matter determinable at the Common Law, and not in the ſpiritual Court; Yet the ſaid ſpiritual Judge, to admit the ſame Plea, & Allegation utterly refuſed; And the aforeſaid *Abraham*, and *Tho. Foſter*, him the ſaid *William Jeffrey*, in the ſpiritual Court aforeſaid in the premiſes to be condemned, and to the payment of the aforeſaid ſeveral ſums of Mony, upon him the ſaid *William Jeffrey*, for the Reparations of the Church aforeſaid, above in this behalf ſpecially impoſed and taxed, which then by the Law of the Land (as before is ſaid) to pay for the reaſon aforeſaid ought not, or is bounden to do, by the definitive Sentence of the ſaid ſpiritual Court, with all his ſtrength endeavoreth, and daily threatneth, in contempt of the Queen that now is, and to the loſſe, prejudice, impoveriſhing, and manifeſt grievance of him the ſaid *William*, as alſo contrary to the Law of the Land aforeſaid: And this, the ſaid *William Jeffrey* is ready to aver, and humbly

imploring the aid & aſſiſtance of the ſaid Court of the ſaid Lady the Queen, that now is here, demands remedy, And the Writ of the ſaid Lady the Queen of *Prohibition*, to the aforeſaid ſpiritual Judge, in form aforeſaid, to forbid him, that he the Plea aforeſaid, nor any thing touching the ſame before him he further hold not, and it is granted unto him, *&c.* And thereupon cometh *John Porter* of *Cheddingley*, in the County aforeſaid of *Suſſex Eſquire*, Ard *Thomas Aynſcomb* of *Buxted*, in the County aforeſaid *Gent.* in their proper perſons, and undertake for the aforeſaid *William Jeffrey*, That if it happeneth the aforeſaid *Abraham Kenſhley*, and *Thomas Foſter*, To the Court of the Lady the Queen hereafter to come, to demand the ſaid Queens Writ of Conſultation, or otherwiſe, to ſue for Juſtice there of and upon the premiſes, That then the ſaid *William*, the ſaid matter, or ſuggeſtion, ſhould follow with effect, untill the Plea thereof, by ſome lawful means be ended, that is to ſay, each of the Bail aforeſaid upon the penalty of 10. pound, which ſaid ſum of 10. pound, the Bail aforeſaid acknowledged, and each of them acknowledged of their Lands and Goods, and of every of them to be levied to the uſe of the ſaid Lady the Queen, If it ſhall ſo happen the ſaid *William*, not to proſecute in form aforeſaid, with effect, *&c.*

REPLEVIN.

Michaelmas Term: Anno 23. *Eliz.* Rot. 1160. *in the Common Pleas*, C. 1. part *Capels* Caſe. Fo. 54.

THomas *Gately* was ſummoned to anſwer *John Hunt* of a Plea, wherefore he took the Cattel of the ſaid *Iohn*, and them deteined againſt Gages, and Pledges, *&c.* And whereupon, the ſaid *Iohn*, by *Iohn Lutwich* his Attorney, complaineth that the aforeſaid *Thomas*, the 27th. day of *November*, in the yeer of the Reign of the Lady the Queen, that now is, the 22th. at *Howcaple*, in a certain place called *Stockins*, took his Cattel, that is to ſay, 6. Oxen, and 6. Cows of him the ſaid *Iohn*, and them unjuſtly deteined againſt Gages, and Pledges untill, *&c.* whereupon he ſaith, he is the worſe, and hath loſs to the value of 100 pound, and thereof bringeth ſute, *&c.* and the aforeſaid *Thomas*, by *Thomas Willis* his Attorney, comes and defends the force and injury when, *&c.* And as Bayliff of *Anthony Capel* Gent. acknowledgeth the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* and juſtly, *&c.* Becauſe that he ſaith, that the place in which it is ſuppoſed the taking of the Cattel aforeſaid to be done, doth contein, and at the time of the taking of the Cattle aforeſaid ſuppoſed to be done, did contein in it 300. Acres of Land, with the appurtenances in *Howcaple* aforeſaid, and that long before the aforeſaid time in which, *&c.* One *Thomas Capel* Eſquire, was ſeiſed of the Manor of *Howcaple*, with the appurtenances in the County aforeſaid, whereof the aforeſaid 300. Acres of Land with the appurtenances in which, *&c.* are, and at the aforeſaid time in which, *&c.* as alſo time whereof the memory of men is not to the contrary were parcel, in his demeſn as of Fee, and ſo thereof being ſeiſed, after the

the fourth day of *February*, in the yeer of the Reign of the Lord *Henry*, late King of *England* the 8th. the 27th. and before the time in which, &c. Of the ſaid Manor with the appurtenances whereof, &c. amongſt other enfeoffed *John Warmcombe*, *Richard Walwein*, *Alexander Whittington*, *Thomas Walwein*, *John Lloid* and *Henry Jones*, To have and to hold the ſaid Manor with the appurtenances, whereof, &c. amongſt other, to the ſaid *John Warmcombe*, *Richard Walwein*, *Alexander Whittington*, *Thomas Walwein*, *John Lloid*, and *Henry Jones*, their Heirs and Aſſigns for ever, To the uſe of the aforeſaid *Thomas Capel*, and the Heirs Males of his body lawfully begotten; and for default of ſuch iſſue, to the uſe of *Edward Capel*, and the Heirs Males of the body of the ſaid *Edward* lawfully begotten; and for default of ſuch iſſue, to the uſe of *Richard Capel*, and the Heirs Males of the body of the ſaid *Richard* lawfully begotten; and for default of ſuch iſſue, to the uſe of *William Capel*, and the Heirs Males of the body of the ſaid *William* lawfully begotten; and for default of ſuch iſſue, to the uſe of *Giles Capel*, for the term of the life of the ſaid *Giles*, and after the deceaſe of the ſaid *Giles*, to the uſe of the Right Heirs of the ſaid *Thomas Capel* for ever: By virtue of which Feoffment, and by force of a certain Act of Parliament of the aforeſaid late King at *Weſtminſter*, of transferring uſes into poſſeſſion, in the 27th. yeer aboveſaid, holden, made, The aforeſaid *Thomas Capel* was ſeiſed of the Manor aforeſaid with the appurtenances, whereof (amongſt other) in his demeſn as of Feetail, that is to ſay, to him and the Heirs Males of his body lawfully begotten, and for default of ſuch iſſue, the remainder thereof to the aforeſaid *Edward Capel*, and the Heirs Males of his body lawfully begotten; and for default of ſuch iſſue, the Remainder thereof in form aforeſaid expectant, and the aforeſaid *Thomas Capel*, of the Manor aforeſaid, with the appurtenances whereof, &c. amongſt other, in form aforeſaid being ſeiſed, before the aforeſaid time in which, &c. at *Howcaple* aforeſaid dyed, of ſuch his eſtate thereof ſeiſed, after whoſe death, The Manor aforeſaid with the appurtenances amongſt other, deſcended to one *William Capel*, as Son and Heir of the body of the aforeſaid *Thomas Capel* lawfully begotten, by which, the ſaid *William Capel* the Son, before the aforeſaid time in which, &c. into the Manor aforeſaid with the appurtenances whereof, &c. entred, and was thereof ſeiſed in his demeſn as of Feetail, that is to ſay, to him and the Heirs Males of his body lawfully begotten, & for default of ſuch iſſue, the remainder thereof to the aforeſaid *Edward*, and the Heirs Males of his body lawfully begotten, in form aforeſaid expectant. And the ſaid *Edward* of that remainder as of Feetail and Right being ſeiſed, before the time in which, &c. at *Howcaple* aforeſaid dyed of ſuch his Eſtate ſeiſed, after whoſe death the remainder thereof deſcended to one *Richard Capel*, as Son and Heir of the body of the aforeſaid *Edward* lawfully begotten: By which, the ſaid *Richard Capel* the Son, was ſeiſed of the aforeſaid remainder, of the Manor aforeſaid, with the appurtenances whereof, &c. amongſt other, as of Feetail, that is to ſay to him, and the heirs Males of his body lawfully begotten; and the ſaid *Richard Capel* the Son being thereof ſo ſeiſed, and the ſaid *William Capel* the Son, of the ſaid Manor with the appurtenances, whereof, &c. amongſt other, in form aforeſaid being ſeiſed, The ſaid *Richard Capel* the Son, before the time in which, that is to ſay, the 22th. day of *November*, in the yeer of the Reign of the ſaid Lady the Queen that now is, the 18th. at *Howcaple* aforeſaid, By his writing, which the ſaid *Thomas Gateley*, with the Seal of the ſaid *Richard Capel*, Sealed here

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in Court brings, whole date is the ſame day & yeer, granted to the aforeſaid *Anthony Capel* by the name of *Antho. Capel* his Son, one annuity or yeerly rent of 50. l. to be going out of the Manor aforeſaid, with the appur. thereof, whereof, *&c.* amongſt other, To have, hold, and enjoy, the aforeſaid annuity, or yeerly Rent of 50. pound, to the aforeſaid *Anthony Capel* his Heirs and Aſſignes for ever, at two Terms of the yeer, that is to ſay, at the Feaſt of Saint *Michael* the Archangel, and the Anuntiation of the bleſſed *Mary* the Virgin, by equal Portions to be paid; and if it ſhould happen the aforeſaid annuity, or yeerly Rent of 50. pound, to be behind not paid in part, or in all, after any of the Feaſts aforeſaid, in manner, and form as before is ſaid, it ought to be paid, by the ſpace of 20. dayes, that then, and from thenceforth, and in all times, as often as it ſhould happen the aforeſaid annuity, or yeerly Rent ſo to be unpaid, that then it ſhould be lawful, to the aforeſaid *Anthony Capel*, his Heirs and Aſſigns, and every of them into the Manor aforeſaid, with the appurtenances whereof, *&c.* amongſt other, and into any part or parcel thereof to enter and diſtrein, and the diſtreſſes ſo there taken, and had, to drive, carry away, impound, and with him to retein, untill the ſaid *Anthony Capel* or his Aſſigns, as well of the aforeſaid, annuity, or yeerly Rent, ſo being behind be paid, as of the arrerages thereof, if any were, ſhould be ſatisfied and paid, as by the ſaid writing, amongſt other things more fully appeareth; and the aforeſaid *William Capel* the Son of the Manor aforeſaid, with the appurtenances thereof, whereof, &c. in form aforeſaid being ſeiſed, afterwards, and before the time, in which, *&c.* That is to ſay, the 10th. day of *November*, in the yeer of the Reign of the ſaid Lady the Queen that now is, the 19th. at *Howcaple* aforeſaid, dyed without Heir Male of his body iſſuing; and becauſe 25. pound, of the aforeſaid yeerly Rent of 50. pound, after the death of the ſaid *William Capel* the Son, at the Feaſt of Saint *Michael* the Archangel, in the yeer of the Reign of the ſaid Lady the Queen that now is, the 20th. by the ſpace of 20. dayes after the Feaſt, to the aforeſaid *Anthony Capel*, the aforeſaid time in which, *&c.* were behind not paid, The ſaid *Thomas Gately*, as Bayliff of the ſaid *Anthony*, for the ſaid 25. pound, of the aforeſaid yeerly Rent, in form aforeſaid being behind, doth well avow the taking of the Cattel aforeſaid, in the place in which, *&c.* and juſtly, *&c.* as in parcel of the Manor aforeſaid, whereof, *&c.* to the diſtreſs of the ſaid *Anthony* aforeſaid, charged and bound, *&c.* with this, that the ſaid *Thomas Gateley* will averr, That the aforeſaid *Richard Capel*, at the time of the taking aforeſaid was, and as yet is living, and in full life, that is to ſay, at *Howcaple* aforeſaid, *&c.* And the aforeſaid *John Hunt* ſaith, That the aforeſaid *Thomas Gateley* for the cauſe before alleged, the taking of the Cattel aforeſaid, in the aforeſaid place, in which, *&c.* as Bayliff of the ſaid *Anthony Capel*, to be juſt ought not to avow, Becauſe he ſaith, That well and true it is, That the aforeſaid *Thomas Capel* Eſquire, was ſeiſed of the aforeſaid Manor of *Howcaple*, with the Appurtenances whereof, *&c.* in his demeſn as of Fee, and ſo thereof ſeiſed, after the aforeſaid 4th. day of *February*, in the yeer of the Reign of the ſaid late King *Henry* the 8th. the 27th. aforeſaid, and before the aforeſaid time in which, *&c.* Of the ſaid Manor, with the Appurtenances whereof, *&c.* enfeoffed the aforeſaid, *John Warmcombe*, *Richard Walweyn*, *Alexander Wittington*, *Thomas Walweyn*, *John Lloid*, and *Henry Iones*, To have, and to hold, the ſaid Manor with the appurtenances amongſt other, to the ſaid *John Warmcombe*, *Richard Walweyn*, *Alexander Wittington*,

tington, *Thomas Walweyn*, *John Lloid*, and *Henry*, and their Heirs and Aſſigns for ever, to the uſe of the aforeſaid *Thomas Capel*, and the Heirs Males of the body of the ſaid *Thomas* lawfully begotten; and for default of ſuch iſſue, to the uſe of the aforeſaid *Edward Capel*, and the Heirs Males of the body of the ſaid *Edward* lawfully begotten; and for ſuch default of ſuch iſſue, To the uſe of the aforeſaid *Richard Capel*, and the Heirs Males of the body of the ſaid *Richard* lawfully begotten; and for default of ſuch iſſue, To the uſe of the aforeſaid *William Capel*, and the Heirs Males of the body of the ſaid *William* lawfully begotten; and for default of ſuch iſſue, to the uſe of *Giles Capel*, for the Term of the life of the ſaid *Giles*; and after the deceaſe of the ſaid *Giles*, to the uſe of the Right Heirs of the ſaid *Thomas Capel* for ever. By virtue of which Feoffment, and by force of the Statute aforeſaid, The aforeſaid *Thomas Capel* was ſeiſed of the Manor aforeſaid, with the appurtenances whereof, *&c.* amongſt other in his demeſn as of Feetail, that is to ſay, to him and the Heirs Males of his body lawfully begotten; and for default of ſuch iſſue, the remainder thereof, to the aforeſaid, *Edward Capel*, and the Heirs Males of his body lawfully begotten; and for default of ſuch iſſue, the remainder thereof in form aforeſaid expectant; and that the aforeſaid *Thomas Capel* of the Manor aforeſaid with the appurtenances whereof, *&c.* in form aforeſaid being ſeiſed, before the aforeſaid time in which, *&c.* dyed of ſuch his Eſtate thereof ſeiſed: After whoſe death the Manor aforeſaid, with the appurtenances whereof, *&c.* amongſt other, deſcended to the aforeſaid *William Capel*, as Son and Heir of the body of the aforeſaid *Thomas Capel* lawfully begotten; By which the ſaid *William Capel* the Son, afterwards and before the time in which, *&c.* into the Manor aforeſaid, with the appurtenances wherof, *&c.* amongſt other, entred, and was thereof ſeiſed in his demeſn as of Feetail, that is to ſay, to him and his Heirs Males of his body lawfully begotten; and that the aforeſaid *William Capel* the Son, of the ſaid Manor with the Appurtenances whereof, *&c.* amongſt other, in form aforeſaid being ſeiſed, The ſaid *Richard Capel*, Son of the aforeſaid *Edward Capel*, the 22th. day of *November*, in the yeer of the Reign of the ſaid Lady the Queen that now is, the 18th. at *Howcaple* aforeſaid, by the aforeſaid his Writing, granted to the aforeſaid *Anthony Capel*, the aforeſaid annuity, or yeerly Rent of 50. pound, to be going out of the Manor aforeſaid, with the appurtenances whereof, *&c.* as the aforeſaid *Thomas Gately* above alleged. But the ſaid *John Hunt* further ſaith, That the aforeſaid *William Capel* of the Manor aforeſaid, with the appurtenances whereof, *&c.* in form aforeſaid being ſeiſed: That the Fine was levyed in the Court of the ſaid Lady the Queen that now is here, at *Weſtminſter* aforeſaid, from the day of Saint *Martin* in 15. dayes, in the yeer of her Reign, the 19th. before James *Dyer*, *Richard Harper*, *Roger Manwood*, and *Robert Monnſon*, then Juſtices of the ſaid Lady the Queen of the Bench here; and afterwards in the 8th. day of Saint *Hillary*, in the yeer of the Reign of the ſaid Lady the Queen that now is, the 19th. aforeſaid, there granted and Recorded before the ſame Juſtices, and other the ſaid Lady the Queens faithful people then there preſent, Between *Richard Wooton*, and *Richard Shawley* Plaintiffs, and the aforeſaid *Will. Capel* defendãt, of the Manor aforeſaid with the Appurtenances, whereof, *&c.* amongſt other, By the names of the Manors of *Capel*, otherwiſe *Hugh Capel*, *Showle*, and *Okeridge* with the Appurtenances, and 20. Meſſuages, 10. Tofts, 20. Cottages, 2. Mills, 3. Dovehouſes, 800. Acres of Land, 260. Acres of

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Meadow, 1700. Acres of Paſture, 200. Acres of Wood, 1000. Acres of Furz and Heath, and 5. pound Rent with the Appurtenances in *Capel*, otherwiſe *Hugh Capel*, *Showle*, *Okeridge*, *Tarkell*, and *Ledbury*. As alſo of the Advowſon of the Church of *Capel*, otherwiſe *Hugh Capel*, whereof a Plea of Covenant was ſummoned between them in the ſaid Court, That is to ſay, That the aforeſaid *William* acknowleged the aforeſaid Manors, Tenements, and Rents with the Appurtenances, and the Advowſon of the Church aforeſaid, to be the Right of the ſaid *Richard*, as thoſe which the ſaid *Richard* and *John*, had of the gift of the aforeſaid *William*, and thoſe remiſed and quit claimed, from him and his Heirs, to the aforeſaid *Richard* and *John*, and the Heirs of the aforeſaid *Richard* for ever. And further, the ſaid *William*, granted for him and his Heirs, That they warrant to the aforeſaid *Richard* and *John*, and to the Heirs of the ſaid *Richard*, the aforeſaid Manors, Tenements, Rents with the Appurtenances, and the Advowſon aforeſaid, againſt all Men for ever: And for that Recognition, remiſe, quit claim, Warranty, Fine, and Concord, The ſaid *Richard* and *John*, gave to the aforeſaid *William*, 700. pound Sterling; Which Fine, in form aforeſaid levied, was levied and had to the uſe of the ſaid *John Hunt*, and his Heirs: By virtue of which Fine, and by force of the Statute aforeſaid, the ſaid *John* was ſeized of the Manors aforeſaid with the Appurtenances, whereof, *&c.* in his demeſn as of Fee; And the ſaid *John*, ſo thereof being ſeized, *Thomas Spenceley*, and *Baldwin Caſtleton*, before the aforeſaid time of the taking, *&c.* that is to ſay, the 4th. day of *January*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 19th. aboveſaid, ſued forth out of the Court of the *Chancery* of the ſaid Lady the Queen that now is, at *Weſtminſter*, in the County of *Middleſex* then being, A certain Writ of the ſaid Lady the Queen of Entry upon Diſſeiſin in the *Poſt*, againſt him the ſaid *John Hunt*, of the Manor aforeſaid with the Appurtenances, whereof, *&c.* amongſt other, by the names of the Manor of *Capel*, otherwiſe *Hugh Capel*, otherwiſe *How Capel* with the Appurtenances, and 20. Meſſuages, 10. Toſts, one Mill, 2. Dovehouſes, 500. Acres of Land, 200. Acres of Meadow, 600. Acres of Paſture, 100. Acres of Wood, 700. Acres of Furz and Heath, and 4. pound Rent with the Appurtenances in *Capel*, otherwiſe *Hugh Capel*, otherwiſe *How Capel*, *Brocherton*, and *Sellerſhop*, as alſo of the Advowſon of the Church of *Capel*, otherwiſe *Hugh Capel*, otherwiſe *How Capel*, To the then Sheriff of the aforeſaid County of *Hereford* directed; By which Writ, the ſaid Lady the Queen that now is, To the ſaid then Sheriff commanded, That the ſaid Sherif ſhould command the ſaid *John Hunt*, that juſtly and without delay, he render to the aforeſaid *Thomas Spenceley*, and *Baldwin*, the Manor, Tenements and Rents aforeſaid with the Appurtenances, and the Advowſon aforeſaid, which the ſaid *Thomas*, and *Baldwin*, to be their Right and Inheritance, and in which the ſaid *John* then had not Entry, but after Diſſeiſin wch *Hugh Hunt*, thereof unjuſtly and without Judgement did to the aforeſaid *Thomas Spenceley*, and *Baldwin*, within 30. yeers then laſt paſt as they ſaid; And if he ſhould not do, and the aforeſaid *Thomas Spencely*, and *Baldwin*, ſhould ſecure him the ſaid Sheriff for the proſecuting of their claim, Then he ſummon, by good Summoners him the ſaid *John Hunt*, that he ſhould be before the then Juſtices of the ſaid Lady the Queen here, that is to ſay, at *Weſtminſter* aforeſaid, in 8. dayes of St. *Hillary* then next following, to ſhew wherefore he did not do it. And that the ſaid then Sheriff ſhould have there the

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ſummons, and that Writ: At which 8. dayes of St. *Hillary*, before the aforeſaid *James Dyer Knight*, and his Companions then Juſtices of the ſaid Lady the Queen of the Bench here, came alwel the aforeſaid *Thomas Spenceley*, and *Baldwin*, as the ſaid *John Hunt* in their proper perſons, And *James Warnecome Eſquire*, then Sheriff of the aforeſaid County of *Hereford*, then and there retorned the Writ aforeſaid, to him in form aforeſaid directed, in all things ſerved and executed, that is to ſay, That the ſaid *Thomas Spenceley*, and *Baldwin*, had found to him the ſaid Sheriff ſureties for to proſecute that Writ, that is to ſay, *John Doo*, and *Richard Roe*: And that the ſaid *John Hunt*, was ſummoned by *John Den*, and *Richard Fen*, and upon that, The aforeſaid *Thomas Spenceley*, and *Baldwin*, declaring againſt him the ſaid *John Hunt*, upon the Writ aforeſaid, demanded againſt him the ſaid *John Hunt*, the Manor, Tenements, and Rent aforeſaid with the Appurtenances, and the Advowſon aforeſaid, as their Right and Inheritance, and in which the ſaid *John* had not then Entry, but after the Deſeiſin which *Hugh Hunt* thereof unjuſtly, and without Judgment did to the aforeſaid *Thomas Spenceley*, and *Baldwin*, within 30. years, *&c.* And whereupon they then ſaid, That they themſelves were ſeized of the Manor, Tenements, and Rent aforeſaid with the Appurtenances, in their demeſn as of Fee and Right, and of the Advowſon aforeſaid as of Fee and Right, in the time of Peace, in the time of the Lady the Queen that now is, taking the profits thereof to the value, *&c.* And in which, *&c.* And thereof then they brought ſute, *&c.* And the ſaid *John Hunt* in his proper perſon, then defended his Right when, *&c.* And vouched thereof to warranty the aforeſaid *William Capel*, who then preſent there in the ſame Court here in his proper perſon, willingly the Manor, Tenements, and Rent aforeſaid with the Appurtenances, and the Advowſon aforeſaid to him did warrant, And upon that, The ſaid *Thomas*, and *Baldwin*, then demanded againſt the aforeſaid *William*, Tenant by his Warranty, the Manor, Tenements, and Rents aforeſaid with the Appurtenances, and the Advoſon aforeſaid, in form aforeſaid, *&c.* And whereupon then ſaid, That they themſelves were ſeized of the Manor, Tenements, and Rents aforeſaid with the Appurtenances, in their demeſn as of Fee and Right, And of the Advowſon aforeſaid as of Fee and Right in time of Peace, in the time of the Lady the Queen that now is, taking the Profits thereof to the value, *&c.* And the aforeſaid *William*, Tenant by his Warranty aforeſaid, then defended his Right when, *&c.* And further then vouched to warranty *John Howel*, who then likewiſe was preſent here in the ſaid Court in his proper perſon, and willingly, the Manor, Tenements, and Rents aforeſaid with the Apurtenances, and the Advowſon aforeſaid to him did warrant, *&c.* And thereupon, The ſaid *Thomas*, and *Baldwin*, then demanded againſt him the ſaid *John Howel*, Tenant by his warranty, the Manor, Tenements, and Rents aforeſaid with the Appurtenances, and the Advowſon aforeſaid in form aforeſaid, *&c.* And whereupon, they then ſaid, That they themſelves were ſeized of the Manor, Tenements, and Rents aforeſaid in their demeſn as of Fee and Right, And of the Advowſon aforeſaid as of Fee and Right in the time of Peace, in the time of the ſaid Lady the Queen that now is, taking the Profits therof to the value, *&c.* & in wch *&c.* And thereof then brought ther ſute, *&c.* And the aforeſaid *John Howell*, Tenant by his Warranty, defended then his Right when, *&c.* And then ſaid, That the aforeſaid *Hugh* did not diſſeiſe the aforeſaid *Thomas Spenceley* and *Baldwin*, of

the Manor, Tenements, and Rents aforeſaid with the Appurtenances, and of the Advowſon aforeſaid, as the ſaid *Thomas*, and *Ealawin*, by their Writ and Declaration above then ſuppoſed, and of that then put themſelves upon the Country, and the aforeſaid *Thomas Spenceley*, and *John Barldwin*, then demanded licence thereof to imparl, and had it, and afterwards the ſaid *Thomas*, and *Ealdwin*, came back here into the ſame Court here the ſame Term in their proper perſons, and the aforeſaid *John Howel*, although he was ſolemnly called, did not then come back, but in contempt of the Court departed and made default: By which, Then it was granted in the ſame Court here, That the aforeſaid *Thomas Spenceley*, and *Baldwin*, recover their ſeiſin againſt him the ſaid *John Hunt*, of the Manor, Tenements, and Rents aforeſaid with the Appurtenances, and the Advowſon aforeſaid; And that the ſaid *John* ſhould have of the Lands of the ſaid *William Capel*, to the value, *&c.* And that the ſaid *William* further ſhould have of the Lands of the ſaid *John Howel*, to the value, *&c.* And that the ſaid *John* then ſhould be in mercy, *&c.* By virtue of which Recovery, The aforeſaid *Thomas Spenceley*, and *Ealdwin*, into the Manor and Tenements aforeſaid with the Appurtenances, entred and was thereof ſeized in their demeſn as of Fee. Which Recovery, and the Execution thereof, in form aforeſaid ſued forth and had, was to the uſe of the ſaid *John Hunt*, and his Heirs for ever. By which, and by force of the Statute aforeſaid, the ſaid *John Hunt* was ſeized of the Manor aforeſaid with the Appurtenances, in his demeſn as of Fee. And ſo thereof being ſeized, before the time of the taking, *&c.* put his Cattel aforeſaid, into the aforeſaid 300. Acres of Land, the graſs then there growing to eat, and the Cattel aforeſaid were in the ſaid 300. Acres of Land, the graſs in them then growing eating, until the aforeſaid *Thomas Gateley*, the aforeſaid 22th. day of *November*, in the yeer of the ſaid Lady the Queen that now is, at *New Capel* aforeſaid, in the aforeſaid place called *Stockins*, took the ſaid Cattel of him the ſaid *John*, and them unjuly detained againſt Gages and Pledges, until, *&c.* as the ſaid *John* againſt him above complaineth: And this he is ready to aver; Wherefore in as much as the aforeſaid *Thomas Gately*, the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* above acknowlegeth, The ſaid *John* demands Judgement, and his damages, for the occaſion of the taking and unjuſtly detaining of the ſaid Cattel, to him to be adjudged. And the aforeſaid *Thomas Gateley* ſaith, That the aforeſaid Plea of the ſaid *John Hunt*, in bar of the Avowry aforeſaid pleaded, is inſufficient in Law to bar him the ſaid *Thomas*, as Bayliff of the aforeſaid *Anthony* from the juſt avowage of the taking of the Cattel aforeſaid, in the place in which, *&c* And that he to that Plea, in form aforeſaid pleaded, needeth not, nor is bound by the Law to Anſwer, And this, he is ready to aver, wherefore, for want of a ſufficient Plea in this behalf, The ſaid *Thomas* demands Judgement and a return of the Cattel aforeſaid, together with his damages to be adjudged unto him, *&c.* And the aforeſaid *John Hunt*, in as much as he ſufficient matter in Law to the aforeſaid *Thomas* as Bayliff of the ſame *Anthony*, from the juſt acknowleging of the taking of the Cattel aforeſaid, in the place aforeſaid in which, *&c.* to be barred above confeſſeth, which he is ready to aver, which matter the aforeſaid *Thomas* doth not deny, nor to the ſame any wayes Anſwereth, but altogether refuſeth to admit the ſame Averment, As at firſt demandeth Judgement and his damages by the occaſion of the

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taking, and unjuſtly detaining of the Cattel aforeſaid, to be to him adjudged, &c. And becauſe the Juſtices here will aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day is given to the parties aforeſaid here, until the Morrow of *Holy Trinity*, to hear their Judgement thereof, becauſe that the ſaid Juſtices here thereof are not yet, &c. At which day, here come aſwel the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day is given to the parties aforeſaid here, until in 8. dayes of Saint *Michael*, to hear their Judgement thereof, becauſe the ſaid Juſtices here thereof are not yet, &c. At which day here cometh, aſwel the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the Juſtices here, will further aviſe themſelves before they give their Judgement of and upon the premiſes, day is given to the parties aforeſaid here, until in 8. dayes of Saint *Hillary*, to hear their Judgment thereof, becauſe the ſame Juſtices here are not thereof yet, &c. At which day here cometh aſwel the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves of giving their Judgement of and upon the premiſes, day is given to the parties here until from the day of *Eaſter*, in 15. dayes, to hear their Judgement thereof, becauſe the ſame Juſtices here are not thereof as yet, &c. At which day here cometh aſwel the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves before they give their Judgemẽt of & upõ the premiſes, day is given to the parties aforeſaid here until the Morrow of the *Holy Trinity*, to hear their Judgement thereof, becauſe the Juſtices here thereof are not yet, &c. At which day, here cometh aſwel the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley* by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves, before they give their Judgement of and upon the premiſes, day is given to the parties here until the Morrow of *ALL SOULS*, to hear their Judgment thereof, becauſe the ſame Juſtices here are inot yet, &c. Before which day, the Plea aforeſaid was adjourned by the Writ of the ſaid Lady the Queen of Common Adjornment from *Weſtminſter* aforeſaid, unto the Caſtle of the Lady the Queen of *Hertford*, in the County of *Hertford*, untill the aforeſaid morrow of *All Soules*: at which day, that is to ſay, at the aforeſaid Caſtle of *Hertford*, cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Juſtices here will further aviſe themſelves, before that they give their Judgement of and upon the premiſes, day is given unto the parties aforeſaid, untill in 8. dayes of St. *Hillary*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof are not yet, &c. Before which day the Plea aforeſaid was adjorned by the Writ of the Lady the Queen of Common Adjornment, from the aforeſaid Caſtle of *Hertford*, unto *Weſtminſter* aforeſaid, at the aforeſaid 8. dayes of St. *Hillary*: at which day here, that is to ſay, at *Weſtminſter*, cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before that they give their Judgement thereof, further day is given here to the parties aforeſaid, untill from

Eaſterday in 15. dayes, to hear their Judgement thereof, becauſe the Juſtices here are not thereof as yet, *&c.* At which day, cometh as well the aforeſaid *John Hunt*, as the ſaid *Thomas Gately*, by their Attorneys aforeſaid; and becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before that they give their Judgement thereof, day is given to the parties aforeſaid here, untill in the morrow of the Holy *Trinity*, to hear their Judgement thereof, becauſe the ſame Juſtices here, are not thereof as yet, *&c.* At which day here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Juſtices here will further aviſe themſelves, before they give their Judgement of and upon the premiſes, day is given to the parties here, untill in 8. dayes of St. *Michael*, for to hear their Judgement thereof, becauſe the ſame Juſtices here, are not thereof as yet, *&c.* At which day, here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley* by their Attorneys aforeſaid, and becauſe the Juſtices here will further aviſe themſelves, before they give their Judgement of and upon the premiſes, day is given to the parties aforeſaid here, untill in 8. days of St. *Hillary*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof, are not yet, *&c.* At which day here cometh, as well the ſaid *John Hunt*, as the aforeſaid *Thomas Gately*, by their Attorneys aforeſaid; and becauſe the Juſtices here will further aviſe themſelves, before they give their Judgement of and upon the premiſes, day is given to the parties here, untill from the day of *Eaſter* in 15. dayes to hear their Judgement thereof, becauſe the ſame Juſtices here, are thereof not yet, *&c.* at which day here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; And becauſe the Juſtices here will further aviſe themſelves, before that they give their Judgement of and upon the premiſes, day is given to the parties here, untill in the morrow of the *Holy Trinity*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof not yet, *&c.* At which day here cometh as well the aforeſaid *John Hunt*, as the ſaid *Thomas Gateley* by their Attorneys aforeſaid; and becauſe the Juſtices here will further aviſe themſelves, before that they give their Judgement of and upon the premiſes, day is given to the parties aforeſaid here, untill in 8. dayes of Saint *Michael*, to hear their Judgement thereof, becauſe the ſame Juſtices here are not yet, *&c.* At which day here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Juſtices here, will aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day is given to the parties aforeſaid, untill in 8. dayes of St. *Hillary*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof, are not yet, *&c.* at which day here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day is given to the parties aforeſaid, until from the day of *Eaſter* in 15. dayes, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof, are not yet, *&c.* At which day here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day is given to the parties aforeſaid here, untill in the morrow of *Holy Trinity*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof not yet, *&c.* At which day

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here cometh as well the aforeſaid *Iohn Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before that they give their Judgement thereof, day is given to the parties aforeſaid here, untill in 8. dayes of St. *Michael*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof, are not yet, *&c.* at which day cometh as well the aforeſaid *Iohn Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Juſtices here will further aviſe of and upon the premiſes, before they give their Judgement thereof, day is given to the parties aforeſaid here, untill in 8. dayes of St. *Hillary*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof, not as yet, *&c.* at which day, here comteh aſwel the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley* by their Attornies aforeſaid; And becauſe the Juſtices here, will further aviſe of and upon the premiſes, before they give their Judgement thereof, day is given to the parties aforeſaid, here until from *Eaſter day*, in 15. dayes, to hear their Judgment thereof, becauſe the ſame Juſtices here thereof not yet, *&c.* At which day, here come as wel the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day is given to the parties aforeſaid, here until the Morrow of *Holy Trinity*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof not yet, *&c.* At which day here, cometh as well the aforeſaid *John Hunt*, as the ſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the Juſtices will further aviſe themſelves of & upon the premiſes, before they give their Judgement thereof, day is given to the parties aforeſaid here until in 8. dayes of Saint *Michael*, to hear their Judgment thereof, becauſe the ſame Juſtices here thereof not yet, *&c.* At which day, here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the Juſtices here, will further aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day is given to the parties aforeſaid here until in 8. dayes of Saint *Hillary*, to hear their Judgement thereof, becauſe the ſame juſtices here thereof not yet, *&c.* At which day, here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the juſtices here, will further aviſe themſelves of and upon the premiſes, before that they give their judgement thereof, day further is given to the parties aforeſaid, here until from the day of *Eaſter*, in 15. dayes, to hear their judgement thereof, becauſe that the ſame juſtices here thereof not yet, *&c.* At which day here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the Iuſtices here will further aviſe themſelves of and upon the premiſes, before they give their judgement thereof, day is given to the parties aforeſaid here until in the Morrow of the *Holy Trinity*, to hear their judgement thereof, becauſe the ſame Iuſtices here not yet, *&c.* At which day, here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the Iuſtices here will further aviſe themſelves of and upon the premiſes, before that they give their judgement thereof, day is given to the parties aforeſaid here, until in 8. dayes of Saint *Michael*, to hear their judgement thereof, becauſe the ſame Iuſtices hear not yet, *&c.* At which day, here cometh as well the aforeſaid *John Hunt*,

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as the aforeſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes before they give their judgement thereof, day is given to the parties aforeſaid here until in 8. dayes of Saint *Hillary*, to hear their judgement thereof, becauſe the ſame Juſtices here thereof not yet, *&c.* At which day, here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the juſtices here will further aviſe themſelves of and upon the premiſes, before they give their judgement thereof, day is given tothe parties aforeſaid here until from the day of *Eaſter*, 15. dayes to hear their judgement thereof, becauſe the ſame juſtices here thereof not yet, *&c.* At which day, here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley* by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before they give their judgement thereof, day is given to the parties aforeſaid here, until the Morrow of the *Holy Trinity*, to hear their judgement hereof, becauſe the ſame Juſtices here thereof not yet, *&c.* At which day, here cometh as well the aforeſaid *John Hunt*, as the aforeſaid *Thomas Gateley*, by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before they give their judgement thereof, day is given to the parties aforeſaid here, untill in 8. dayes of Saint *Michael* to hear their Judgement thereof, becauſe the ſame Iuſtices here, thereof not yet, *&c.* At which day, here cometh as well the ſaid *Iohnt Hunt*, as the aforeſaid, *Thomas Gateley*, by their Attorneys aforeſaid; And becauſe the Juſtices here, will further aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day is given to the parties aforeſaid here, untill in 8. dayes of St. *Hillary*, to hear their Judgement thereof, becauſe the ſame Iuſtices here thereof, not yet, *&c.* At which day here cometh as well the aforeſaid *Iohn Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; And becauſe the Iuſtices here will further aviſe themſelves of and upon the premiſes, before they give their Iudgement thereof, day is given to the parties aforeſaid here, untill from the day of *Eaſter* in 15. dayes, to hear their Iudgement thereof, becauſe the ſame Iuſtices here, thereof not yet, *&c.* At which day here cometh as well the aforeſaid *Iohn Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Iuſtices here will further aviſe themſelves of and upon the premiſes, before they give their Iudgement thereof, day is given to the parties aforeſaid here, untill in the morrow of the *Holy Trinity*, to hear their Iudgement thereof, becauſe the ſame Iuſtices here thereof, not yet, *&c.* at which day, here cometh as well the aforeſaid *Iohn Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Iuſtices here will further aviſe themſelves of and upon the premiſes, before they give their Iudgement thereof, day is given to the parties aforeſaid here, untill in 8. dayes of Saint *Michael*, to hear their Iudgement thereof, becauſe the ſame Iuſtices here thereof, not yet, *&c.* at which day, here cometh as well the aforeſaid *Iohn Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Iuſtices here, will further aviſe themſelves of and upon the premiſes, before they give their Iudgement thereof, further day is given to the parties aforeſaid here, untill in 8. dayes of St. *Hillary*, to hear their Iudgement thereof, becauſe the ſame Iuſtices here, of their Iudgement thereof, not yet, *&c.* at which

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day here, cometh as well the aforeſaid *Iohn Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Iuſtices here, will further aviſe themſelves, before they give their Iudgement of and upon the premiſes, day further is given to the parties aforeſaid here untill from the day of *Eaſter* in 15. dayes to hear their Iudgement thereof, becauſe the ſame Iuſtices here thereof, not yet, *&c.* at which day, here cometh as well the aforeſaid *Iohn Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Iuſtices will further aviſe themſelves of and upon the premiſes, day is given to the partis aforeſaid here, untill in the morrow of the *Holy Trinity*, to hear their Iudgement thereof, becauſe the ſame Iuſtices here thereof not yet, *&c.* at which day, here cometh as well the aforeſaid *Iohn Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Iuſtices here will further aviſe themſelves of the premiſes, before they give their Iudgment thereof, day is given to the parties aforeſaid here, untill in 8. dayes of St. *Michael*, to hear their Iudgement thereof, becauſe the ſame Juſtices here, thereof not yet, *&c.* at which day, here cometh as well the aforeſaid *Iohn Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Juſtices here, will further aviſe themſelves of and upon the premiſes, before they give their Iudgement thereof, day further is given to the parties aforeſaid here untill from the day of *Eaſter* in 15. dayes, to hear their Iudgement thereof, becauſe the ſame Iuſtices here thereof not yet, *&c.* at which day, here cometh as well the aforeſaid *Iohn*, as the aforeſaid *Thomas*, by their Attorneys aforeſaid; and becauſe the Iuſtices here, will further aviſe themſelves of and upon the premiſes, before they give their Iudgement thereof, day is given to the parties aforeſaid here, untill in the morrow of the *Holy Trinity*, to hear their Iudgement thereof, becauſe the ſame Iuſtices here, thereof not yet, *&c.* at which day here cometh as well the aforeſaid *Iohn*, as the aforeſaid *Thomas*, by their Attorneys aforeſaid; and becauſe the Iuſtices here, will further aviſe themſelves of and upon the premiſes, before they give their Iudgement thereof, day is further given to the parties aforeſaid, untill in 8. dayes of Saint *Michael*, to hear their Iudgement thereof, becauſe the ſame Iuſtices here, thereof not yet, *&c.* at which day, here cometh as well the aforeſaid *Iohn Hunt*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid; and becauſe the Iuſtices here will further aviſe themſelves of and upon the premiſes, before they give their Iudgement thereof, day further is given to the parties aforeſaid here, untill in 8. dayes of St. *Hillary*, to hear their Iudgment thereof, becauſe the ſame Iuſtices here, thereof not yet, *&c.* At which day, here cometh as well the aforeſaid *Iohn*, as the aforeſaid *Thomas*, by their Attorneys aforeſaid; and becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before they give their Iudgement thereof, day further is given to the parties aforeſaid here untill from the day of *Eaſter* in 15. dayes, to hear their Iudgment thereof, becauſe the ſame Iuſtices here thereof not yet, *&c.* At which day, here cometh as well the aforeſaid *Iohn*, as the aforeſaid *Thomas*, by their Attorneys aforeſaid; and becauſe

cauſe the Iuſtices here will further aviſe themſelves of and upon the premiſes before they give their Iudgment thereof, day further is given to the parties aforeſaid here untill the morrow of the *Holy Trinity*, to hear their Iudgment thereof, becauſe the ſame Iuſtices here thereof not yet, *&c.* At which day here cometh as well the aforeſaid *Iohn*, as the aforeſaid *Thomas*, by their Attorneys aforeſaid; and becauſe the Iuſtices here will further aviſe themſelves of and upon the premiſes, before they give their Iudgement thereof, further day is given to the parties aforeſaid here untill the morrow of *All Soules*, to hear their Iudgment thereof, becauſe the ſaid Iuſtices here thereof not yet, *&c.* Before which day the Plea aforeſaid was adjorned by the Writ of the Lady the Queen of Common Adjornment from *Weſtminſter*, in the County of *Middleſex*, unto the Caſtle of the Lady the Queen of *Hertford*, in the County of *Hertford*, at the ſame morrow of *All-Soules*, *&c.* At which day here, that is to ſay, at the Caſtle of *Hertford*, cometh as well the aforeſaid *Iohn*, as the aforeſaid *Thomas*, by their Attorneys aforeſaid; and becauſe the Iuſtices here will further aviſe themſelves of and upon the premiſes, before they give their Iudgment thereof, day is given to the parties aforeſaid here in 8. dayes of St. *Hillary*, to hear their Iudgment thereof, before the ſaid Iuſtices here thereof not yet, *&c.* Before which day, the Plea aforeſaid, was adjorned by the Writ of the Queen of Common adjornment, from the ſaid Caſtle of the ſaid Queen of *Hertford*, in the County of *Hertford* unto *Weſtminſter* aforeſaid, in the aforeſaid County of *Middleſex*, at the ſame 8. dayes of St. *Hillary*, *&c.* And now here, that is to ſay, at *Weſtminſter* aforeſaid, cometh as well the aforeſaid *Iohn*, as the aforeſaid *Thomas Gateley*, by their Attorneys aforeſaid: and upon this, the premiſes being ſeen, and by the Iuſtices here fully underſtood, It ſeemeth to the ſame Iuſtices here, That the aforeſaid Plea of the aforeſaid *Iohn Hunt* above in Barr of the Conuſance aforeſaid pleaded is ſufficient in Law to him the ſaid *Thomas Gateley*, as Bayliff of the ſaid *Anthony*, juſtly acknowledging the taking of the Cattel aforeſaid, in the aforeſaid place in which to Barr, as the aforeſaid *Iohn Hunt* above alleged, for which, the aforeſaid *Iohn Hunt* his damages, for the occaſion of the taking, and unjuſtly deteining of the Cattel aforeſaid, againſt the aforeſaid *Thomas Gateley* ought to recover, But becauſe it is not known, what damages the aforeſaid *Iohn Hunt*, for the occaſion of taking, and unjuſtly deteining of the Cattel aforeſaid ſuſteined, It is Cōmanded to the Sheriff, that by the Oaths of good and lawful men of his County, he diligently enquire what damages the ſaid *Iohn Hunt* ſuſteined, as well by the occaſion of the taking, & unjuſtly deteining of the Cattel aforeſaid, as for his Coſts and Charges by him about his ſute in this behalf expended; and the Enquire which, *&c.* The Sheriff make to appear here from the day of *Eaſter* in 15. dayes under his Seal, *&c.* And the Seals, *&c.* At which day here cometh the aforeſaid *Iohn Hunt*, by his Attorney aforeſaid; And upon this, The ſame *Iohn Hunt*, acknowledgeth here in the Court here, that he would not further proſecute the ſame *Thomas Gateley* for any damages to him, for the occaſion of the taking, and unjuſtly deteining of the Cattel aforeſaid to be adjudged, but all the ſaid damages to him ſo to be adjudged willingly here in Court to the ſaid *Thomas Gateley* doth remiſe and releaſe; Therefore the ſaid *Thomas Gateley* of thoſe damages be acquitted, *&c.*

REPLEVIN.

Trinity Term: Anno 36. *Eliz.* Rot. 1676. *in the Common Pleas, C.* 1. part, *Archers* Caſe.

Fol. 65.

John Smith Gent. was ſummoned to Anſwer to *William Baldwin* of a Plea, wherefore he took the Cattel of the ſaid *William*, and them unjuſtly de- *Eſſex.*
teined, againſt Gages, and Pledges, *&c.* And whereupon, The ſaid *William* by *Iſaac Hamond* his Attorney complaineth, That the aforeſaid *John*, the 9th. of *January*, in the year of the Reign of the Lady the Queen that now is, the 36th. at *Bocking*, in a certain place called the Meadow, abutting upon the Common High-way, leading from *Braintree*, unto *Pantforld*, in the County aforeſaid againſt the North-Eaſt, and upon the Lands of *John Mott* towards the South-Weſt, took Cattel, that is to ſay, 26. Sheep of him the ſaid *William*, and them unjuſtly deteined againſt Gages and Pledges, untill, *&c.* Whereupon he ſaith he is the worſe, and hath loſs to the value of 40. pound, and thereof he bringeth ſute, *&c.* And the aforeſaid *John*, by *Tho. Reynolds* his Attorney cometh, and defendeth the force and Injury when, *&c.* And as Bayliff of *Joh. Kent* gent. Son of *Joh. Kent* gent. deceaſed. well acknowledgeth the taking of the Cattel aforeſa. in the place aforeſa. in w^ch, *&c.* and juſtly, *&c.* Becauſe he ſaith, That the ſame place in which it is ſuppoſed the taking the Cattel aforeſaid above to be done, conteineth in it ſelf 4. Acres of Paſture, with the Appurtenances in *Bocking* aforeſaid, which 4. Acres of Paſture with the appurtenances, at the time aforeſaid in which *&c.* Was the Soil, and Freehold of the ſaid *John Kent* the Son; and becauſe the Cattel aforeſaid, the time aforeſaid in which, *&c.* were in the ſame then eating the graſs, and doing damage there, The ſaid *John Smith*, as Bayliff of the aforeſaid *John Kent* the Son, doth well acknowledge the taking of the Cattel aforeſaid, in the place aforeſaid in which, *&c.* and juſtly, there ſo damage feiſant *&c.* And the aforeſaid *William Baldwin* ſaith, That the ſaid *John Smith*, as Bayliff of the ſaid *John Kent* the Son, for the reaſon before alleged, ought not to make Conuſance, of the taking of the Cattel aforeſaid to be juſt, Becauſe he ſaith, That long before the ſaid taking aforeſaid had, One *John Archer* Gent. was ſeiſed of the aforeſaid 4. Acres of Paſture, with their appurtenances in which, *&c.* in his demeſn as of Fee; and he the ſaid *John* being thereof ſo ſeiſed, before the aforeſaid time of the taking aforeſaid done, that is to ſay, the 8th. day of *January*, in the year of the Reign of the Lady the Queen that now is, the 36th. aforeſaid, gave licenſe unto the ſaid *William*, to put his Cattel aforeſaid, into the aforeſaid place in which, *&c.* to eat the graſs there growing, By vertue of which licenſe, the ſaid *William* afterwards, that is to ſay, the ſaid aforeſaid 9th. day of *Ianuary*, in the 36th. year aforeſaid, put his Cattel aforeſaid, in the place in which, *&c.* to eat the graſs there growing, which Cattel were in the ſaid place in which, *&c.* eating the graſs then growing in the ſame, untill the ſaid *John Smith*, the aforeſaid 9th. day of

January, in the year of the Lady the Queen that now is, the 36th. aforeſaid, at *Bocking* aforeſaid, in the aforeſaid place called the Meadow, took the Cattel aforeſaid of him the ſaid *William*, and them unjuſtly deteined againſt Gages and Pledges untill, *&c.* As he above him complaineth, without that that the aforeſaid 4. Acres of Paſture, with the appurtenances in which, *&c.* the time of the taking aforeſaid done, was the Soil and Freehold of the ſaid *John Kent* the Son, as the ſaid *William* above hath alleged. And this he is ready to aver; Wherefore in as much as the ſaid *John Smith*, acknowlegeth the taking of the Cattel aforeſaid, in the aforeſaid place in which, The ſaid *William* demands Judgement and his damages, for the occaſion of the taking, and unjuſtly detaining of the ſame Cattel to be adjudged to him, *&c.* And the aforeſaid *John Smith*, as at firſt ſaith, That the aforeſaid 4. Acres of Paſture with their appurtenances in which, *&c* the time aforeſaid, in which, *&c.* were the Soil & Freehold of the ſaid *J. Kent* the Son, as he before hath alleged, And of this, puts himſelf upon the Country, and the ſaid *William Baldwin* likewiſe, And therefore it is commanded to the Sheriff, that he cauſe to come here from the day of *Holy Trinity*, in 3. Weeks 12. *&c.* by whom, *&c.* and who neither, *&c.* to Recognize, *&c.* Becauſe as well, *&c.* And afterwards the Proceſs was continued between the aforeſaid parties of the aforeſaid Plea by juries put between them in reſpite, here until this day, that is to ſay, from *Eaſter-day*, in three Weeks, in the yeer of the Reign of the ſaid Lady the Queen that now is the 37th. And now here at this day, cometh as well the aforeſaid *William*, as the aforeſaid *John Smith*, by their Attornies aforeſaid, and the Jurors thereof impannelled being called likewiſe come, who to ſay the truth of the premiſes, choſen, tryed, and ſworn, ſay upon their Oath, That one *Francis Archer*, was ſeized of the ſaid 4. Acres of Paſture with their appurtenances, in which, *&c.* in his demeſn as of Fee, and held the ſame of one *Thomas Wilſon*, as his Manor of —— in the County aforeſaid in Free Socage, and that the ſaid *Francis Archer* had iſſue, one *Robert Archer*, which *Robert*, had then iſſue the aforeſaid *John Archer* the Son, and his Right and next Heir apparant; Which aforeſaid *Francis Archer*, ſo of the aforeſaid 4. acres of Paſture with the appurtenances being ſeized, before the time in which, *&c.* that is to ſay, the 25th. day of *November*, in the yeer of our Lord, 1578. made his laſt Will and Teſtament in Writing, and by the ſame his laſt Will, Willed and Bequeathed the Tenements aforeſaid with the appurtenances, amongſt other things as followeth. *Item*, I give and bequeath to *Robert Archer* my Son, All that my Meſſuage or Tenement with the appurtenances (called the *Grey-hound*) with all and ſingular the Lands and Grounds, which, and whatſoever I had purchaſed and bought, of one *John Palmer*, as they are ſet, lying and being in *Bocking* aforeſaid, To have, and to hold, the ſaid Meſſuage or Tenement, and other the premiſes, late purchaſed and bought of the ſaid *John Palmer*, as is aforeſaid, to the ſaid *Robert Archer* my Son, from and after the day of my death, forthwards during his natural life, and after the death of *Robert Archer* my Son, I will, my ſaid Meſſuage or Tenement (called the *Grey-hound*) together with all the Lands and Grounds which I lately purchaſed of the ſaid *John Palmer*, ſhall wholly remain to the Right and next Heir, of the ſame *Robert Archer*, and to the Heirs of his Body lawfully begotten for ever. And afterwards, the aforeſaid *Francis Archer*, dyed of the aforeſaid 4. acres of Paſture with the appurtenances, amongſt other in form aforeſaid ſeized. And

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the ſaid jurors further ſay upon their Oath, That the aforeſaid *Francis Archer*, purchaſed the aforeſaid 4. actes of Paſture with their appurtenances of the aforeſaid *John Palmer*, in the aforeſaid laſt Will of the aforeſaid *Francis* named; And the jurors further ſay upon their Oath, That after the death of the ſaid *Francis Archer*, the aforeſaid *Robert Archer*, being Son and Heir apparent of the aforeſaid *Francis*, into the aforeſaid 4. acres of Paſture with their appurtenances, entred and was thereof ſeized of ſuch eſtate, as the Law in this caſe requireth; And the ſaid *Robert* ſo thereof being ſeized, before the aforeſaid time in which, *&c.* that is to ſay, the 21th. day of *January*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 26th. by his deed of Feoffment, with the Seal of the ſaid *Robert* ſealed, and to the jurors aforeſaid in Evidence ſhewed, Enfeoffed one *John Kent*, Father of the ſaid *John Kent*, in the Conuſance aforeſaid above named, of the aforeſaid 4. acres of Paſture with their appurtenances, in which, *&c.* amongſt other, By the name of all that his Meſſuage or Tenement, and all Houſes, Buildings, Barns, Orchards, Gardens, with the appurtenances, ſometimes called or known by the name of the *Grey-hound*, or otherwiſe, or by what other name or names the ſame were called or known, ſituate, lying and being in *Bocking* aforeſaid, in a ſtreet there called *Bocking-hand*, and of all thoſe Lands, Meadowes, and Paſtures, to the ſame belonging or appertaining, or with the ſame at any time then before demiſed, uſed, or occupyed, lying, and being at *Bocking* aforeſaid, To have and to hold to the aforeſaid *John Kent* the Father, his Heirs and Aſſignes for ever, to the proper uſe and behoof of the ſaid *John*, his Heirs and Aſſignes for ever. And further the ſaid *Robert Archer*, and his Heirs, by the deed aforeſaid, all and ſingular the aforeſaid Meſſuages, or Tenements, Houſes, Buildings, Meadowes, Paſtures, and other the premiſes aforeſaid with the appurtenances, to the aforeſaid *John Kent* the Father, his Heirs and Aſſignes, to the uſe in the ſaid deed mentioned, againſt all men did warrant, as by the ſaid Charter of Feoffment, to the Jurors aforeſaid given in Evidence it more fully appeareth. By virtue of which Feoffment, the aforeſaid *John Kent* the Father, was ſeized of the aforeſaid 4. Acres of Paſture with their appurtenances, in which, *&c.* in his demeſn as of Fee, And further, the Jurors afore ſay upon their Oath, That after the Feoffment aforeſaid, in form aforeſaid made, The aforeſaid *John Archer*, Son, and right and next Heir apparent of the aforeſaid *Robert Archer*, in the lives of the aforeſaid *Robert Archer*, and *John Kent* the Father, into the aforeſaid 4. Acres of Paſture with the appurtenances, in which, *&c.* Upon the poſſeſſion of the aforeſaid *John Kent* the Father, thereof entred, upon whoſe poſſeſſion of the ſaid *John Archer* thereof, the ſaid *John Kent* the Father afterwards re-entred, and was of the aforeſaid 4. Acres of Paſture with their appurtenances, in which, *&c.* ſeized as the Law in this caſe requireth, and the ſaid *John Kent* the Father, ſo thereof being ſeized, before the aforeſaid time in which, that is to ſay, the 16th. day of *May*, in the yeer of the Reign of the Lady the Queen that now is the 27th. made his Teſtament and laſt Will in Writing, and by the ſame his laſt Will, gave and bequeathed to the aforeſaid *John* his ſecond Son, and his Heirs, the aforeſaid 4. Acres of Paſture with the appurtenances, in which, *&c.* amongſt other, and afterwards and before the time in which, *&c.* the aforeſaid *John Kent* the Father, of ſuch eſtate of the aforeſaid 4. Acres of Paſture with the appurtenances, in which, *&c.* dyed ſeized, After whoſe death,

The aforeſaid *John Kent* the Son, into the aforeſaid 4. Acres of Paſture with their Appurtenances, entred and was thereof ſeized, of ſuch eſtate as the Law in this caſe requireth: And afterwards, and before the aforeſaid time in which, *&c.* The aforeſaid *Robert Archer* dyed, After whoſe death, The aforeſaid *John Archer* Son, and right and next Heir of the aforeſaid *Robert Archer*, into the aforeſaid 4. Acres of Paſture with the appurtenances, in which, *&c.* upon the poſſeſſion of the ſaid *John Kent* the Son, thereof entred, and was thereof ſeized, as the Law in this caſe requireth. And the ſaid *John Archer*, ſo thereof being ſeized, the aforeſaid 8th. day of *November*, in the 36th. yeer aforeſaid, gave licence to the ſaid *William Baldwin*, to put his Cattel aforeſaid, into the aforeſaid place in which, *&c.* the graſs in the ſame then growing to eat; By virtue of which licence, the ſaid *William* afterwards, that is to ſay, the aforeſaid 9th. day of *January*, in 36th. yeer aboveſaid, put his Cattel aforeſaid, into the aforeſaid place in which, *&c.* to eat the graſs then and there growing, which Cattel were in the ſame place in which, *&c.* the graſs in the ſame then eating, until the aforeſaid *John Smith*, as Bayliff of the aforeſaid *John Kent* the Son, the aforeſaid 9th. day of *January*, in the 36th. yeer aboveſaid, in the aforeſaid place called the Meadow, to the uſe of the ſaid *John* the Son entred, and took the aforeſaid Cattel of the aforeſaid *William*, and them detained againſt Gages and Pledges, Until, *&c.* as the aforeſaid *William Baldwin* above againſt the aforeſaid *John Smith* complaineth: And if upon the whole matter aforeſaid, by the Jurors aforeſaid, in form aforeſaid found, it ſhall ſeem to the Juſtices and Court here, That the aforeſaid 4. Acres of Paſture with their appurtenances, in which, *&c.* the aforeſaid time in which, *&c.* were not the Soil & Freehold of the aforeſaid *John Kent* the Son, Then the ſaid Jurors ſay upon their Oath, That the aforeſaid 4. Acres of Paſture with the appurtenances, in which, *&c.* the aforeſaid time in which, *&c.* were not the Soyl and Freehold of the aforeſaid *John Kent* the Son, as the aforeſaid *William Baldwin* above hath alleged: And then they aſſeſs the damages of the ſaid *William Baldwin*, by occaſion of the taking and unjuſt detaining of the aforeſaid Cattel, above his coſts and charges by him about his ſute in this behalf expended to 14. pence, and for his coſts and charges to 2. pence. And if upon the whole matter aforeſaid, by the Jurors aforeſaid, in form aforeſaid found, it ſhall ſeem to the Juſtices and Court here, That the aforeſaid 4. Acres of Paſture with the Appurtenances, in which, *&c.* the aforeſaid time in which, *&c.* were the Soil and Freehold of the aforeſaid *John Kent* the Son, as the ſaid *John Smith* above allegeth, Then they aſſeſs the damages of him the ſaid *John Smith*, by the occaſion aforeſaid, above his coſts and charges by him about his ſute in this behalf expended, to 12. pence, and for his coſts and charges to 2. pence, And becauſe the Juſtices here will aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day is given to the parties here in the Morrow of the *Holy Trinity*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof not yet, *&c.* At which day, here cometh as well the aforeſaid *William*, as the aforeſaid *John* by their Attornies aforeſaid; And becauſe the juſtices here will further aviſe themſelves of and upon the premiſes, before they give their judgement thereof, day farther is given to the parties here until in 8. dayes of St. *Michael*, to hear their judgment of them, becauſe the ſame juſtices here thereof not yet, *&c.* At which day, here cometh aſwel the aforeſaid *William*, as the aforeſaid

ſaid *John*, by their Attornies aforeſaid; And becauſe the juſtices here will further aviſe themſelves of and upon the premiſes before they give their judgement thereof, day is given to the parties here in 8. dayes of Saint *Hillary*, to hear their judgement thereof, becauſe the ſame juſtices here thereof not yet, *&c.* At which day cometh aſwel the aforeſaid *William*, as the aforeſaid *John* by their Attornies aforeſaid; And becauſe the juſtices here will further aviſe themſelves of and upon the premiſes, day further is given to the parties aforeſaid here until from *Eaſter-day*, in 15. dayes, to hear their judgement thereof, becauſe the ſame juſtices here thereof not yet, *&c.* At which day, cometh aſwel the aforeſaid *William*, as the aforeſaid *John* by their Attornies aforeſaid; And becauſe the juſtices here, will further aviſe themſelves of and upon the premiſes, before they give their judgement thereof, day further is given to the parties aforeſaid here until the Morrow of the *Holy Trinity*, to hear their judgement thereof, becauſe the ſame juſtices here thereof not yet, *&c.* At which day, here cometh aſwel the aforeſaid *William*, as the aforeſaid *John*, by their Attornies aforeſaid; And upon this, The premiſes being ſeen, and by the juſtices here fully underſtood, It is granted that the ſaid *William*, take nothing by his Writ aforeſaid, but be in mercy for his falſe clamour, and the aforeſaid *John* thereof go without day, *&c.* And that he have retorn of his Cattel aforeſaid, to hold for ever irreplegiable, *&c.* & how, *&c.* And that the Sheriff make it appear here in 8. dayes of Sain; *Michael*, *&c.* It is alſo granted, That the aforeſaid *John*, recover againſt the ſaid *William*, his damages to 14. pence, by the jurors aforeſaid, in form aforeſaid aſſeſſed, as alſo 18. pound, 8. ſhillings, and 10. pence, to him the ſaid *John* at his requeſt, for his coſts and charges aforeſaid, by the Court here of Encreaſe adjudged, which damages amount in the whole to 19. pound, *&c.*

Replevin.

Trinity Term, Anno 38°. *Eliz. Rot.* 183. in the *Common-Pleas*, C. 1. part, *Bredons* Caſe. Fo. 67. *Suff.*

William Bredon, and *John Bredon*, were ſummoned to anſwer to *Agnes Gardiner* Widow, of a Plea, Wherefore they took the Cattel of the ſaid *Agnes*, and them unjuſtly detained againſt Gages and Pledges, *&c.* And whereupon the ſaid *Agnes*, by *Thomas Waller* her Attorny complaineth, That the aforeſaid *William* and *John*, the 18th. day of *May*, in the yeer of the Reign of the Lady the Queen that now is the 37th. at *Stowmarket*, in a certain Place called the *Parkwood*, parcel of the Manor of *Columbine hall*, took Cattel, that is to ſay, 15. Cowes Milch, and 5. Calves of the ſaid *Agnes*, and them unjuſtly detained againſt Gages and Pledges, until, *&c.* Whereupon ſhe ſaith, that ſhe is the worſe, and hath damage to the value of 10. pound, And thereof bringeth ſute, *&c.* And the ſaid *William*, and *John*, by *Richard Walker* their Attorny, come & defend the force and injury when, *&c.* And as Bayliffs of *Martha Cary* Widow, do acknowledge

ledge the taking of the Cattel aforeſaid, in the place in which, &c. And juſtly, &c. Becauſe they ſay, That the ſame place in which it is ſuppoſed the taking above to have been made, doth contain, and at the time of the taking of the Cattel aforeſaid, did contain in it ſelf 8. Acres of Lands with the appurtenances, in *Stow-market* aforeſaid, and that long before the aforeſaid time in which, &c. One *John Gardiner Gent.* was ſeized of and in the Manor of *Collumbine hall*, otherwiſe *Thorney Collumbers*, with the appurtenances in the County aforeſaid, whereof the aforeſaid 8. Acres of Land with the appurtenances, in which, &c. are, and the aforeſaid time in which, &c. And alſo from the time whereof the Memory of Man is not to the contrary were parcel, in his demeſn as of Fee, and he being thereof ſo ſeized, A Fine was levied in the Court of the Lady the Queen that now is of the Bench here, that is to ſay, at *Weſtminſter*, in 8. dayes of Saint *Michael*, in the yeer of the ſaid Lady the Queen that now is the 29th. before *Edmond Anderſon*, *Francis Windham*, *William Periam*, and *Francis Rodes*, then Juſtices of the ſaid Lady the Queen of the Bench here, and other the ſaid Queens faithful people here then preſent, Between *Edmond Cary Knight*, and *Robert Cary Eſquire*, Plaintiffs, and *William Cary Eſquire*, the aforeſaid *John Gardiner*, and the ſaid *Agnes* now Plaintiff, then the Wife of the ſaid *John*, and *George Totty Gentleman*, and *Elizabeth* his Wife, by the names of *William Cary Eſquire*, *John Gardiner Gentleman*, and *Agnes* his Wife, *George Totty Gentleman*, and *Elizabeth* his Wife Deforceants, of the Manor aforeſaid with the appurtenances, whereof, &c. And of 10. Meſſuages, 10. Cortages, 10 Barns, one Dove-houſe, 20. Cartilages, 20. Gardens, 10. Orchards, 300. Acres of Land, 60. Acres of Meadow, 200. Acres of Paſture, 30. Acres of Wood, 60. Acres of Furz and Heath, the Rent of 1. pound of Wax, and 4. Capons, 30. ſhillings of Rent, with the appurtenances, in *Stow-market*, *Newton*, *Gipping*, and One Houſe; As alſo of the view of Frank Pledge, in *Stow-market*, *Newton*, *Gipping*, and One Houſe, By the names of the Manors of *Collumbine hall*, otherwiſe *Thorney Collumbers* with the appurtenances, and of 10. Meſſuages, 10. Cottages, 10. Barns, one Dove houſe, 20. Curtilages, 20. Gardens, 10. Orchards, 300. Acres of Land, 60. Acres of Meadow, 200. Acres of Paſture, 30. Acres of Wood, 60. Acres of Furz and Heath, 30. ſhillings of Rent, & of the Rent of 1. pound of Wax, and 4. Capons with the appurtenances, in *Stow-maket*, *Newton*, *Gipping*, and One Houſe, as alſo of the view of Frank Pledge, and whatſoever to view of Frank Pledge doth appertain in *Stow-market*, *Newton*, *Gipping*, and One Houſe, whereof a Plea of Covenant was ſummoned between them in the ſaid Court, that is to ſay, That the aforeſaid *William*, *John*, *Agnes*, *George*, and *Elizabeth*, acknowledge the aforeſaid Manor, Tenements, Rents, and view of Frank Pledge with their appurtenances, to be the right of him ſaid *Edmond*, as thoſe which the ſaid *Edmond* and *Robert*, had of the gift of the aforeſaid *William*, *John*, *Agnes*, *George*, and *Elizabeth*, and them releaſed and quit claim from them the ſaid *William*, *Iohn*, *Agnes*, *George*, and *Elizabeth*, and their Heirs to the aforeſaid *Edmond*, and *Robert*, and to the Heirs of the ſaid *Robert* for ever. And beſides the ſaid *William* granted, for him and his Heirs, That they would warrant to the aforeſaid *Edmond* and *Robert*, and to the Heirs of the ſaid *Edmond*, the aforeſaid Manor, Tenements, Rents and view of Frank Pledge, againſt him the ſaid *William*, and his Heirs for ever. And further, the ſaid *John* and *Agnes*, granted for them and the Heirs of him the ſaid *Iohn*, that they

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would warrant, to the aforesaid *Edmond* and *Robert*, and to the Heirs of the said *Edmond*, the Manor, Tenements, Rents and view of Frank Pledge with the appurtenances, against him the said *John* & *Agnes*, and the Heirs of the said *John* for ever. And moreover, the said *George* and *Elizabeth*, granted for them, and the Heirs of him the said *George*, that they would warrant to the aforesaid *Edmond* and *Robert*, and to the Heirs of the said *Edmond*, The Mannor, Tenements, Rents and view of Frank Pledge with the appurtenances, against them the same *George* and *Elizabeth*, and the Heirs of the said *George* for ever. Which Fine of the Manor, Tenements, Rents and view of Frank Pledge aforesaid with the appurtenances, in form aforesaid levied, was had and levied, To the use of them the said *John Gardiner*, and *Agnes* then his Wife, for the Term of their lives, and of the longest liver of them, without impeachment of waste, in any the Woods and Underwoods, And after the decease of the same *John Gardiner* and *Agnes*, To the use of the aforesaid *William Cary*, & the Heirs of his Body lawfully begotten; And for default of such issue, To the use of the aforesaid *Rob. Cary* then *Esq.* and now Knight, and the Heirs of his Body lawfully begotten; And for default of such issue, To the use of *Henry Cary Knight*, Lord of *Hunsdon*, and his Heirs for ever. By virtue of which Fine, And by force of a certain Act of Parliament of the Lord *Henry* late King of *England* the 8th. At *Westminster* in the County of *Middlesex*, the 4th. day of *February*, in the yeer of his Reign the 27th. of transferring of uses into possession, The said *John Gardiner* and *Agnes*, were seized of the Manor aforesaid with the appurtenances, whereof, *&c.* in their demesn as of Freehold, for the Term of the lives of them the said *John* and *Agnes*, and the longer liver of them, without impeachment of waste, the aforesaid remainder thereof, after the death of them the said *John* and *Agnes*, to the aforesaid *William Cary*, and the Heirs of his Body lawfully begotten, the Remainder thereof for default of such issue, To the aforesaid *Robert Cary*, and the Heirs of his Body lawfully begotten; And for default of such issue, the Remainder thereof to the aforesaid *Henry Cary Knight*, Lord of *Hunsdon*, and his Heirs for ever. And the aforesaid *John Gardiner*, and *Agnes* his Wife, so thereof being seized, Another Fine was levied in the said Court of the said Lady the Queen that now is of the Bench here, At *Westminster* aforesaid, from the day of *Easter*, 15. dayes, in the yeer of the Reign of the said Lady the Queen that now is the 32th. before *Edmond Anderson*, *Francis Windham*, *William Periam*, and *Thom. Walmesley*, then Justices of the said Lady the Queen of the Bench here, and other the said Lady the Queens faithful people then there present. Between *John Higham Knight*, and *Thomas Turner Esquire*, By the names of *John Higham Knight*, and *Thomas Turner Esquire* Plaintiffs, and the aforesaid *William Cary*, and the aforesaid *Martha* then his Wife, and the aforesaid *John Gardiner*, and the aforesaid *Agnes* then his Wife Deforceants, of the aforesaid Manor of *Collumbine-hall*, otherwise *Thorney Collumbers*, with the appurtenances, whereof, *&c.* By the name of the Manor of *Collumbine-hall*, otherwise *Thorney Collumbers* with the appurtenances, in *Stowmarket*, *Newton*, *Gipping*, and One House, whereof a Plea of Covenant was sued between them in the said Court, that is to say, That the aforesaid *William Cary* and *Martha*, *John Gardiner* and *Agnes*, acknowledged the aforesaid Manor with the appurtenances, whereof, *&c.* To be the Right of the said *John Higham*, as that which the said *John Higham*, and *Thomas*, and of the gift of the aforesaid *William Cary* and *Martha*, *John Gardiner* and

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Agnes, and the ſame releaſed and quit claimed for them, the ſaid *William Cary* and *Martha*, *Iohn Gardner* and *Agnes*, and their Heirs, to the aforeſaid *John Higham*, and *Thomas*, and the Heirs of the ſaid *John Higham* for ever. And further, the ſaid *William Cary* and *Martha*, and *Iohn Gardner* and *Agnes*, granted for them, and the Heirs of the ſaid *William Cary*, that they would warrant to the aforeſaid *John Higham*, and *Thomas*, and to the Heirs of the ſaid *Iohn Higham*, the aforeſaid Manor with the appurtenances, againſt all Men for ever. And for the ſame Acknowledgement, Releaſe, Quit claim, Fine and Concord, The ſaid *Iohn Higham*, and *Thomas*, granted to the aforeſaid *Martha*, a certain Annuity or yeerly Rent of 40. pound, of lawful Mony of *England*, to be iſſuing out of the aforeſaid Manor with the appurtenances, and that to her rendred in the ſame Court of the ſaid Lady the Queen: To have and perceive the aforeſaid Annuity or yeerly Rent of 40. pound, to the ſaid *Martha* at the Feaſt of Saint *Michael* the Archangel, and the Annuntiation of the bleſſed *Mary* the Virgin, by equal portions yeerly to be paid, all the life time of the ſaid *Martha*, if the aforeſaid *Iohn Gardner* and *Agnes*, or any of them ſo long ſhould live, the firſt payment thereof to begin at that Feaſt of the Feaſts aforeſaid, which next after the deceaſe of the aforeſaid *William Cary* ſhould happen: And if it ſhould happen the aforeſaid Annuity or yeerly Rent of 40. pound to be behind in part, or in all, after any of the Feaſts of the Feaſts aforeſaid, in which as before, it ought to be paid, and not paid, That then it ſhould be lawful to the ſaid *Martha*, all her life, if the ſaid *Iohn Gardiner* and *Agnes*, or either of them ſhould ſo long live, into the aforeſaid Manor with the appurtenances, to enter and diſtrein, and the diſtreſſes ſo there taken and had lawfully to lead away, carry and drive, and with them to keep, until of the aforeſaid Annuity or yeerly Rent of 40. pound, with the Arrerages thereof (if any were,) they ſhould be ſatisfied and paid, as by the Record of the ſaid Fine in the Court of the ſaid Lady the Queen of the Bench aforeſaid, here remaining amongſt other things more fully appeareth. And the aforeſaid *VVilliam Cary* afterwards, that is to ſay, the 4th. day of *March*, in the yeer of the Reign of the Lady the Queen that now is the 35th. at *Stow market* aforeſaid dyed, After whoſe death, By virtue of the Fine aforeſaid laſt recited, The aforeſaid *Martha* was, and yet is ſeized of the aforeſaid Annuity, or yeerly Rent of 40. pound, in her demeſn as of Freehold, for the Term of her life, if the ſaid *Iohn Gardiner*, and *Agnes* his Wife, or either of them ſhould ſo long live; And becauſe 40. pound of the aforeſaid yeerly Rent, to the ſaid *Martha* at and after the Feaſt of Saint *Michael* the Archangel, in the yeer of the Reign of the Lady the Queen that now is the 35th. as alſo the aforeſaid time in which, *&c.* were behind, not payd, The ſaid *VVilliam Bredon*, and *Iohn Bredon*, as Bayliffs of the ſaid *Martha*, acknowledged the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* And juſtly, *&c.* for the ſaid 40. pound, of the Annual Rent aforeſaid, to the ſaid *Martha* ſo being behind, as in the Lands, to the diſtreſſe of the ſaid *Martha* of the Rent aforeſaid, in form aforeſaid charged and bound, *&c.* With this, that the ſaid *Iohn Bredon*, and *VVilliam* will aver, That the aforeſaid *Martha* is yet living, and is in full life, that is to ſay, at *Littlewrating*, in the aforeſaid County of *Suffolk*, *&c.* with this alſo, That the ſaid *William Bredon*, and *John Bredon* will aver, That the aforeſaid *Agnes* now Plaintiff, and the aforeſaid *Agnes* one of the Deforceants, in the aforeſaid ſeveral Fines named, are one and the ſame perſon,

ſon, and not others or diverſe, &c. And the aforeſaid *Agnes*, as to 20. pound of the yeerly Rent aforeſaid, at the Feaſt of the Annuntiation of the bleſſed *Mary* the Virgin, in the 35th. yeer aboveſaid payable, ſaith, That ſhe cannot deny, but that the ſaid 20. pound, at the ſaid Feaſt were behind to the aforeſaid *Martha* not paid, as the aforeſaid *William Bredon*, and *John*, by their Conuſance aforeſaid ſuppoſed. And as to the aforeſaid other 20. pound, of the aforeſaid 40. pound Reſidue, which the aforeſaid *William* and *John*, by this Conuſance aforeſaid ſuppoſe to have been behind, not paid to the aforeſaid *Martha*, at the aforeſaid Feaſt of Saint *Michael*, in the 35th. yeer aboveſaid, It is ſaid, That the aforeſaid *William Bredon*, and *John Bredon*, by reaſon of the aforeſaid taking of the Cattel aforeſaid, in the aforeſaid place in which, &c. For the ſame 20. pound ought not acknowledge it to be juſt, for it is ſaid, That well and true it is, That the ſaid *John Gardiner* was ſeized of the Manor aforeſaid with the Appurtenances, whereof, &c. in his demeſn as of Fee, And the ſaid *John* ſo thereof being ſeized, The ſaid Fine in the Conuſance of the ſaid *William Bredon*, and *John Bredon* above firſt mentioned, was levied in the aforeſaid Court of the Queen here in the aforeſaid 8. dayes of Saint *Michael*, in the yeer of the Reign of the Lady the Queen that now is the 29th. above written, before the aforeſaid then Juſtices, and other the Lady the Queens faithful people then there preſent. Between the aforeſaid *Edmond Cary Knight*, and *Robert Cary Eſquire* Plaintiffs, And the aforeſaid *VVilliam Cary Eſquire*, and *John Gardiner*, and the ſaid *Agnes* now Plaintiff, then Wife of the aforeſaid *John Gardiner*, And the aforeſaid *George Totty*, and *Elizabeth* his Wife Deforceants, of the Manor aforeſaid with the Appurtenances, whereof, &c. And of the aforeſaid Tenements and Appurtenances in the Conuſance aforeſaid above mentioned, and that the ſaid Fine in form aforeſaid levied, was had and levied to the uſe of the aforeſaid *John Gardiner*, and of her the ſaid *Agnes*, for the Term of their lives, and the longer liver of them; And after the deceaſe of the aforeſaid *John* and *Agnes*, To the uſe of the aforeſaid *VVilliam Cary*, and the Heirs his body lawfully begotten; And for default of ſuch iſſue, To the uſe of the aforeſaid *Robert Cary Knight*, and the Heirs of his Body lawfully begotten; And for default of ſuch iſſue, To the uſe of the aforeſaid *Henry Cary Knight*, Lord of *Hunſdon*, and his Heirs for ever. By virtue of which Fine, and by force of the aforeſaid Act of transferring uſes into poſſeſſion, holden, made, The aforeſaid *John*, and the ſaid *Agnes*, were ſeized of the Manor aforeſaid with the Appurtenances, whereof, &c. in demeſn as of Freehold, for the Term of the lives of them the ſaid *John* and *Agnes*, and the longer liver of them, the Remainder thereof after the death of them the ſaid *John* and *Agnes*, to the aforeſaid *VVilliam Cary*, and the Heirs of his Body lawfully begotten, the Remainder thereof for default of ſuch iſſue, to the aforeſaid *Robert Cary*, and the Heirs of his Body lawfully begotten, the Remainder thereof for default of ſuch iſſue, to the aforeſaid *Henry Cary Knight*, Lord of *Hunſdon*, and his Heirs for ever, as the aforeſaid *William Bredon*, and *John Bredon*, by his Conuſance aforeſaid above ſuppoſeth: But the ſaid *Agnes* further ſaith, That the aforeſaid *Iohn Gardiner* and *Agnes*, ſo of the Manor aforeſaid with the Appurtenances, whereof, &c. for the Term of the lives of them the ſaid *Iohn* and *Agnes*, and the longer liver of them, in form aforeſaid being ſeized, the Remander thereof after the death of the aforeſaid *Iohn* and *Agnes*, to the aforeſaid *William Cary*, and the Heirs of his Bo-

dy lawfully begotten, the Remainder thereof for default of ſuch iſſue, to the aforeſaid *Robert Cary*, and the Heirs of his Body lawfully begotten, the Remainder thereof for default of ſuch iſſue, to the aforeſaid *Henry Cary Knight*, Lord of *Hunſdon*, and his Heirs expectant, before the levying of the aforeſaid ſecond Fine in the Conuſance of the ſaid *William Bredon*, and *John Bredon*, above mentioned. Another Fine was levied in the ſame Court of the ſaid Lady the Queen that now is of the Bench here, that is to ſay, at *Weſtminſter* aforeſaid, from the day of *Eaſter* in 15. dayes, in the yeer of the Reign of the ſaid Lady the Queen that now is the 31th before the aforeſaid *Edmond Anderſon*, *Francis Windham*, and *William Periam*, then Juſtices of the Lady the Queen of the Bench here, and other of the Queens faithful people, then and there preſent, Between *David Bulward*, and *Robert Ham*, by the names of *David Bulward*, and *Robert Ham* Plaintiffs, And the aforeſaid *William Cary*, by the name of *William Cary Eſquire* Deforceants, of the Manor aforeſaid with the Appurtenances, whereof, *&c.* And of 20. Meſſuages, one Dove-houſe, 20. Gardens, 300. Acres of Land, 100. Acres of Meadow, 200. Acres of Paſture, 30. Acres of Wood, and 1. pound, 6. ſhillings, 4. pence Rent, and of the Rent of 4. Capons, and 1. pound of Wax with the Appurtenances, in *Stow-market*, *Newton*, *Gipping*, and One Houſe, by the name of the Mannor of *Collumbine-hall*, otherwiſe *Thorney Collumbers*, with the Appurtenances, and 20. Meſſuages, one Dove-houſe, 20. Gardens, 300. Acres of Land, 100. Acres of Meadow, 200. Acres of Paſture, 30. Acres of Wood, and 1 ponnd, 6. ſhillings, 4. pence Rent, and the Rent of 4. Capons, and 1. pound of Wax, with the Appurtenances in *Stow-market*, *Newton*, *Gipping*, and One Houſe, whereof a Plea of Covenant was ſued between them in the ſaid Court, That is to ſay, That the aforeſaid *William* acknowledge the aforeſaid Manor, Tenements, Rents and premiſes with the Appurtenances, to be the Right of the ſaid *David*, as thoſe which the ſaid *David* and *Robert* had of the gift of the aforeſaid *William*, and thoſe releaſed and quit claimed, from him and his Heirs, to the ſaid *David* and his Heirs for ever. And beſides, the ſaid *William* granted for him and his Heirs, That they warrant to the ſaid *David* and *Robert*, and to the Heirs of the ſaid *David*, the aforeſaid Manor, Tenements, Rents with the Appurtenances, againſt the aforeſaid *William*, and his Heirs for ever, as by the Record of the ſame Fine, in the Court of the ſaid Lady the Queen of the Bench, here remaing more fully appeareth. Which Fine, in form aforeſaid levied and had, was levied and had, to the uſe of the aforeſaid *David* and *Robert*, and their Heirs, to the intent, and until a perfect Recovery, by Writ of the Lady the Queen of Entry for Deſeiſin of the *Poſt*, of the Manor and Tenements aforeſaid with the Appurtenances, were ſued againſt the ſaid *David* and *Robert*, by one *Robert Peirſon Gentleman*, according to the courſe of Common Recoveries uſed to be had. And the aforeſaid *John Gardiner*, and *Agnes* his Wife, of the Manor aforeſaid with the Appurtenances, whereof for the Term of the lives of them the ſaid *John Gardiner* and *Agnes*, and the longer liver of them, ſo as before is ſaid, being ſeized the Remainder thereof to the aforeſaid *David*, and *Robert Ham*, and their Heirs in form aforeſaid expectant. The ſaid Fine in the Conuſance of the ſaid *William Bredon*, and *John Bredon*, above ſecond mentioned in form aforeſaid, was levied in the aforeſaid Court of the Lady the Queen, here from the day of *Eaſter* in 15. day, in the yeer 32th. aboveſaid, before the aforeſaid then Juſtices of the ſaid Lady

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the Queen of the Bench, Between the aforeſaid *John Higham Knight*, and *Thomas Turner Eſquire* Plaintiffs, and the aforeſaid *William Cary*, and the aforeſaid *Martha* then his Wife Deforceant, of the Manor aforeſaid with the Appurtenance, whereof, *&c.* And the aforeſaid *John Higham*, and *Thomas*, by the ſame Fine granted unto the ſaid *Martha*, the aforeſaid Annuitity or yeerly Rent of 40. p. to be iſſuing out of the Manor aforeſaid with the Appurtenances, and thoſe to her in form aforeſaid rendred, To have and perceive the aforeſaid Annuity or yeerly Rent of 40. pound, at the aforeſaid Feaſts of Saint *Michael* the Archangel, and the Annuntiation of the bleſſed *Mary* the Virgin, by equal portions yeerly to be paid all the life time of the ſaid *Martha*, if the aforeſaid *John* and *Agnes*, or any of them ſhould ſo long live, the firſt paymēt therof to begin at that Feaſt of the Feaſts aforeſaid, which next after the decaſe of the ſaid *William Cary* ſhould happen to be, with the aforeſaid clauſe of diſtreſſe in the ſaid Fine mentioned, As the aforeſaid *William Bredon*, and *John Bredon*, by their Conuſance aforeſaid above ſuppoſe. By virtue of the levying of which Fine laſt mentioned, ſo had and levied, The aforeſaid *John Gardiner* and *Agnes*, Forfeited their Eſtate aforeſaid, for the Term of their lives, the life of the longer liver of them, in the aforeſaid Manor with the Appurtenances, whereof, *&c.* And afterwards, that is to ſay, the aforeſaid 24th. day of *March*, in in the 35th. yeer aboveſaid, the aforeſaid *William Cary*, at *Stow-market* aforeſaid dyed, without iſſue of his Body lawfully begotten, After whoſe death, and before the Feaſt of Saint *Michael* the Archangel, in the yeer of 35th. aboveſaid, The aforeſaid *Robert Cary Knight*, by reaſon of the aforeſaid Forfeiture of the Eſtates of the aforeſaid *John Gardiner* and *Agnes*, and and in the Manor aforeſaid with the Appurtenances, whereof, *&c.* entred and was thereof ſeized in Feetail, that is to ſay, to him & the Heirs of his Body lawfullÁ begotten; And ſo thereof being ſeized, The ſaid *Robert* afterwards, and before the aforeſaid time of the taking aforeſaid made, that is to ſay, the 17th. day of *March*, in the yeer of the Reign of the Lady the Queen that now is the 37th. aboveſaid, At *Stowmarket* aforeſaid, gave licence to the ſaid *Agnes*, to put her Cattel into the aforeſaid place in which, *&c.* to eat the graſſe in the ſame then growing. By virtue of which licence, the ſaid *Agnes* after, and before the aforeſaid time in which, *&c.* put her Cattel aforeſaid, into the aforeſaid place in which, *&c.* to eat the graſſe in the ſame, Which Cattel were in the aforeſaid place in which, *&c.* Until the aforeſaid *William Bredon*, and *John Bredon*, the day and yeer above in the Declaration aforeſaid above ſpecified, At *Stow market* aforeſaid, in the aforeſaid place in which, called the *Parkwood*, took the aforeſaid Cattel of the ſaid *Agnes*, and them unjuſtly detained againſt Gages & Pledges, until, *&c.* as ſhe above againſt them complaineth. And this ſhe is ready to aver, wherofore in as much as the ſaid *William Bredon*, and *John Bredon*, the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* above acknowlegeth, The ſaid *Agnes* demands Judgement and her damages for the occaſion of taking and unjuſtly deteining of her Cattel aforeſaid, to be adjudged unto her. And the aforeſaid *William Bredon*, and *John Bredon*, as to the aforeſaid Plea of the *Agnes*, to the Conuſance of the ſaid *William* and *John*, for the aforeſaid 20. pound, Reſidue made in Bar pleaded, ſay, That well and true it is, that the aforeſaid Fine in the Bar of the aforeſaid *Agnes*, ſecond ſpecified, in the aforeſaid Court of the Lady the Queen of the Bench aforeſaid, here in the aforeſaid 15. day of *Eaſter*, in

the yeer of the Reign of the Lady the Queen that now is the 31th. above-ſaid, before the ſaid *Edmond Anderſon*, *Francis Vvindham*, and *Vvilliam Periam*, then Juſtices of the ſaid Lady the Queen of the Bench aforeſaid, here, and other of the ſaid Lady the Queens then Faithful People then here preſent, Between the aforeſaid *David Eulward*, and *Robert Ham* Plaintiffs, and the aforeſaid *Vvilliam Cary* Deforceant, of the Manor aforeſaid with the Appurtenances, whereof, *&c.* And of the aforeſaid Tenements and Rents with the Appurtenances, in the ſaid Fine in the Bar of the aforeſaid *Agnes*, ſecond ſpecified and mentioned, in form aforeſaid was levied, as the aforeſaid above hath alleged: But the ſaid *Vvilliam Bredon*, and *John Bredon*, further ſay, That the aforeſaid Fne in the Bar of the aforeſaid *Agnes*, ſecond ſpecified in form aforeſaid levied, was had and levied, To the uſe of the ſaid *David Eulward*, and *Robert Ham*, and their Heirs to the intent and until, a Recovery by the Writ of the Lady the Queen of Entire Sur-diſſeiſin in the Poſt, of the Manor with the appurtenances whereof, *&c.* And of the Tenements and Rents aforeſaid with the Appurtenances, againſt the ſaid *David* and *Robert* ſhould be had, and afterwards unto the uſe of *Iohn Gardiner*, and the aforeſaid *Agnes*, for the Term of their lives, and the longer liver of them, And after their deceaſe, to the uſe and behoof of the aforeſaid *Vvilliam Cary*, and the Heirs of his Body lawfully begotten, By which, Afterwards, that is to ſay, the 5th. day of *April*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 31th. the aforeſaid *Roger Pierſon*, in the Court of the *Chancery* of the ſaid Lady the Queen that now is, the ſaid Court at *Vveſtminſter*, in the County of *Middleſex* then being, brought and proſecuted, a Writ of the ſaid Lady the Queen that now is of Entry upon diſſeiſin in the Poſt, againſt the aforeſaid *David*, and *Ro-Ham*, of the Manor, Tenements, and Rents aforeſaid with the Appurtenances, to the Sheriff of the aforeſaid County of *Suffolk* directed, the ſaid *David* and *Robert*, then being Tenants of the Freehold of the Manor, Tenements, and Rents aforeſaid with the Appurtenances, by virtue of the Fine in the Bar of the aforeſaid *Agnes* ſecond ſpecified: By which Writ, the ſaid Lady the Queen that now is, ſent to the ſaid Sheriff, That the ſaid Sheriff command the aforeſaid *David*, and *Robert Ham*, by the names of *David Eulward*, and *Robert Ham*, that they juſtly, and without delay, render to the aforeſaid *Roger Peirſon*, by the name of *Roger Pierſon*, The Manor, Tenements, and Rents aforeſaid with the Appurtenances, by the names of the Manors of *Cullumbine-hall*, otherwiſe *Thorney Cullumbers* with the Appurtenances, and 20. Meſſuages, one Dove-houſe, 20. Gardens, 300. Acres of Land, 100. Acres of Meadow, 200. Acres of Paſture, 30. Acres of Wood, and 1. pound, 6. ſhillings, 4. pence Rent, and the Rent of 4. Capons, and one pound of Wax with the Appurtenances, in *Stow-maket*, *Newton*, *Gipping*, and One-Houſe, which he claimeth to be his Right and Inheritance, And in which the ſaid *David* and *Robert*, had not Entry, but after diſſeiſin which *Hugh Hunt* thereof unjuſtly, aud without Iudgement did to the aforeſaid *Roger* within 30. yeers, then laſt paſt as he ſaid. And whereupon he complained, that the aforeſaid *David* and *Robert*, him unjuſtly deforced, and if they did not, *&c.* And if the aforeſaid *Roger* ſhould ſecure the ſaid Sheriff of the proſecuting of his claim, Then the ſaid Sheriff, ſummon by good ſummoners, the aforeſaid *David* and *Robert*, that they ſhould be before the Juſtices of the ſaid Lady the Queen here, that is to ſay, at *Vveſtm.* from the day *Eaſter*, in one Moneth next following, to ſhew wherfore

wherefore they had not done it. And that the ſaid Sheriff ſhould then have here the ſummons, and that Writ, &c: At which Moneth of *Eaſter* here, that is to ſay, at *VVeſtminſter* aforeſaid, cometh as well the ſaid *Roger*, as the ſaid *David* and *Robert* in their proper perſons, And then the Sheriff of the aforeſaid County of *Suffolk*, that is to ſay, *Philip Tilney Eſquire*, then returned here the Writ aforeſaid, in him in form directed, ſerved and executed in form following, That is to ſay, That the aforeſaid *Roger* had found to the ſaid Sheriff ſureties for the proſecuting of his ſaid Writ, that is to ſay, *Iohn Doo*, and *Richard Roo*, &c. And that the aforeſaid *David* and *Robert*, were ſummoned to be then here by *Iohn Den*, and *Rich. Fen*, &c. Upon which the aforeſaid *Roger* declaring, againſt the aforeſaid *David* and *Robert*, then Tenants of the Freehold, of the Manor, Tenements, and Rents aforeſaid with the Appurtenances, in form aforeſaid, upon his Writ aforeſaid, in his proper perſon aforeſaid, demanded againſt the ſaid *David* and *Robert*, of the Manor, Tenements, and Rents aforeſaid with the Appurtenances, as his Right and Inheritance; And in which the ſaid *David* and *Robert* had not Entry but after diſſeiſin, which *Hugh Hunt* thereof unjuſtly, and without Judgement did to the aforeſaid *Roger*, within 30. yeers now laſt paſt, &c. And whereupon he ſaid, That he himſelf was ſeized of the Manor, Tenements, and Rents aforeſaid with the Appurtenances, in his demeſn as of Fee in time of Peace, in the time of the Lady the Queen that now is, taking thereof the Profits to the value, &c. And in which, &c. And thereof then brought Sute, &c. And the aforeſaid *David* and *Robert Ham*, then defended their Right when, &c. And vouched thereof to warranty the ſaid *VVilliam Cary*, by the name of *VVilliam Cary Eſquire*, who then likewiſe was preſent in the ſame Court in his proper perſon. And willingly the Manor, Tenements, and Rents aforeſaid with the Appurtenances, to him did warrant, &c. And upon this, the aforeſaid *Roger* demanded againſt him the ſaid *VVilliam Cary* Tenant by his warranty, The Manor, Tenements, and Rents aforeſaid with the Appurtenances, in form aforeſaid, &c. And whereupon, he then ſaid, That he himſelf was ſeized of the Manor, Tenements, and Rents aforeſaid with the Appurtenances, in his demeſn as of Fee in time of Peace, in the time of the Lady the Queen that now is, taking the Profits thereof to the value, &c. And the aforeſaid *VVilliam Cary* Tenant, by his warranty aforeſaid, came and defended his Right when, &c. And further thereof vouched to warranty *David Howel*, who then likewiſe was preſent in the ſame Court in his proper perſon, and freely the Manor, Tenements, and Rents aforeſaid, with the appurtenances to him did warrant, &c. And upon this, The aforeſaid *Roger*, demanded againſt the ſaid *David Howell* Tenant by his warranty, the Manor, Tenements, and Rents aforeſaid, with the appurtenances in form aforeſaid, &c. And whereupon, then he ſaid, That he himſelf was ſeiſed of the Manor, Tenements, and Rents aforeſaid, with the appurtenances in his demeſn as of Fee and right in time of peace, in the time of the Lady the Queen that now is, taking the profits thereof to the value, &c. And in which, &c. And thereof his brought ſute &c. And the aforeſaid *David Howell* Tenant by his warranty, defended his Right when, &c. And then ſaid, That the aforeſaid *Hugh*, had not diſſeiſed the aforeſaid *Roger* of the Manor, Tenements, and Rents aforeſaid with the appurtenances, as the ſaid *Roger* by his Writ, and Declaration above ſuppoſed; and of this put himſelf upon the Country, &c. And the aforeſaid *Roger*

ger then prayeth licenſe thereof to imparl, and had it, *&c.* And afterwards, the aforeſaid *Roger* comes again here into Court the very ſame Term in his proper perſon; And the aforeſaid *David Howell*, although he be then ſollemnly called, doth not come back, but in deſpight of the Court, departeth and maketh default; wherefore then it was granted in the ſaid Court here; That the ſaid *Roger* ſhould recover his ſeiſin againſt the aforeſaid *David Bulward*, and *Robert Ham*, of the Manor, Tenements, and Rents aforeſaid with the appurtenances; and that the ſaid *David Bulward*, *Robert Ham*, ſhould have of the Lands of the aforeſaid *William Cary* to the value, *&c.* And that the ſaid *David Howell*, ſhould be thereof in mercy, *&c.* Upon which, the aforeſaid *Roger* then in the ſame Court demanded the Writ of the Lady the Queen, to have to him full ſeiſin and poſſeſſion of the Manor, Tenements, and Rents aforeſaid, to the Sheriff of the County aforeſaid to be directed, and to him it was granted retornable here in the morrow of the *Holy Trinity* then next following, At which day here cometh the aforeſaid *Roger* in his proper perſon, and the then Sheriff of the County of *Suffolk*, The aforeſaid *Philip Tilney* Eſquire then ſent here, That he by virtue of the Writ aforeſaid to him directed, the 16th day of *May* then laſt paſt, gave to the aforeſaid *Roger* ſeiſin of the Manor, Tenements, and Rents aforeſaid with the appurtenances, as by the ſaid Writ to him it was Commanded, *&c.* Which Fine in the Barr of the aforeſaid *Agnes* above ſpecified in form aforeſaid levyed, and the Recovery aforeſaid, in form aforeſaid had, were levyed and had, To the uſe of the aforeſaid *John Gardiner* and *Agnes* for the Term of their lives, and the longer liver of them; and after the deceaſe of them, the ſaid *John Gardiner* and *Agnes*, to the uſe of the ſaid *William Cary*, and the Heirs of his body lawfully begotten, By virtue of which Fine and Recovery in form aforeſaid had, and by force of the aforeſaid Act of transferring of uſes in poſſeſſion, The aforeſaid *John Gardiner* and *Agnes*, were ſeiſed of the Manor aforeſaid with the appurtenances whereof, *&c.* in their demeſn as of Freehold, for the term of the lives of the ſaid *John* and *Agnes*, and the longer liver of them, the remainder thereof, after the death of the aforeſaid *John* and *Agnes*, to the aforeſaid *William Cary*, and the Heirs of his body lawfully begotten expectant; and the ſaid *John Gardiner* and *Agnes* ſo thereof being ſeiſed, the Remainder thereof to the aforeſaid *William Cary*, in form aforeſaid expectant, The aforeſaid Fine in the Conuſans of the ſaid *William Tredon*, and *John Tredon*, above ſpecified in form aforeſaid, was levyed in the aforeſaid Court of the ſaid Lady the Queen here, from the aforeſaid day of *Eaſter* in 15. dayes, in the 32th year aforeſaid, before the aforeſaid then Juſtices of the Lady the Queen of the Bench aforeſaid here, Between the aforeſaid *Io. Higham*, and *Thomas Turner* Plaintiffs, and the aforeſaid *William Cary* and *Martha*, and the aforeſaid *John Gardiner* and *Agnes* deforceants of the Manor aforeſaid with the appurtenances whereof, *&c.* And the aforeſaid *John Higham*, and *Thomas*, by the ſame Fine granted to the ſaid *Martha*, the aforeſaid annuity, or yeerly Rent of 40. pound, to be iſſuing of him the aforeſaid Manor with the Appurtenances, whereof, *&c.* And the ſame to her in the ſaid Court here in form aforeſaid Rendred, To have, and to hold the ſame Annuity or yeerly Rent of 40. pound, to the aforeſaid *Martha*, at the aforeſaid Feaſt of Saint *Michael* the Archangel, and the Annuntiation of the bleſſed *Mary* the Virgin, by even portions yeerly to be paid, all the life time of the ſaid *Martha*, if the aforeſaid *John Gardiner*, and *Agnes*, the firſt payment thereof

to

Martha, if the aforesaid *J. Gardiner*, & *Agnes*, or either of them should so long live, the first paymēt therof to begin, at the Feast of the Feasts aforesaid, next after the decease of the aforesaid *WVil. Cary*, should first happen to be, with the aforesaid clause of distress in the Fine mētioned; And the aforesaid *WVil. Cary* afterwards, that is to say, the 24th. day of *March* in the yeer 35th. aforesaid, at *Stow-market* aforesaid dyed, After whose death, by virtue of the Fine aforesaid, The aforesaid *Martha* was and as yet is seized of the aforesaid Annuity or yeerly Rent of 40 p. in her demesn as of Freehold for Term of her life, if the aforesaid *Iohn Gardiner*, and *Agnes*, or either of them shall so long live. And this they are ready to aver, Wherefore they demand Judgement, and Retorn of their Cattel aforesaid, together with their damages to be to them adjudged, *&c.* And the aforesaid *Agnes*, as at first saith, That the aforesaid *Iohn Gardiner* was seized of the Manor aforesaid with the Appurtenances, whereof, *&c.* in his demesn as of Fee, and he the said *Iohn* so thereof being seized, the Fine aforesaid in the Conusance, of the aforesaid *William Bredon*, and *Iohn Bredon*, first abovemēntioned, was levied in the aforesaid Court of the Queen here, in the aforesaid 8. dayes of Saint *Michael*, in the yeer of the said Lady the Queen that now is the 29th. abovesaid, before the aforesaid then Justices, and others the said Lady the Queens faithful people then there present, Between the aforesaid *Edmond Cary Knight*, and *Robert Cary Esquire* Plaintiffs, and the aforesaid *William Cary Esquire*, *Iohn Gardiner*, and her the said *Agnes* now Plaintiff, then the Wife of the aforesaid *Iohn Gardiner*, and the aforesaid *George Totty*, and *Elizabeth* his Wife Deforceants, of the Manor aforesaid with the Appurtenances, whereof, *&c.* And of the aforesaid Tenements and Rents with the Appurtenances, in the aforesaid Fine in the Conusance aforesaid first mentioned, And that the said Fine, in form aforesaid levied, was had and levied, To the use of the aforesaid *Iohn Gardiner*, and her the said *Agnes*, for the Term of their lives, and the longer liver of them, and after the decease of the aforesaid *Iohn* and *Agnes*, To the use of the aforesaid *WVilliam Cary*, and the Heirs of his Body lawfully begotten, and for default of such issue, to the use of *Robert Cary Knight*, and the Heirs of his Body lawfully begotten, and for default of such issue, to the use of the aforesaid *Henry Cary Knight*, Lord of *Hunsdon*, and his Heirs for ever. By virtue of which Fine, and by force of the aforesaid Statute of transferring uses into possession, holden and made, The aforesaid *Iohn* and *Agnes*, were seized of the Manor aforesaid with the Appurtenances, whereof, *&c.* in their demesn as of Freehold, for the Term of the lives of them the said *Iohn* and *Agnes*, and the longer liver of them, the Remainder thereof after the death of them the said *Iohn* and *Agnes*, to the aforesaid *William Cary*, and the Heirs of his Body lawfully begotten, the Remainder thereof for default of such issue, to the aforesaid *Robert Cary*, and the Heirs of his Body lawfully begotten, the Remainder thereof for default of such issue, to the aforesaid *Henry Cary Knight*, Lord of *Hunsdon*, and his Heis for ever. And that the aforesaid *Iohn Gardiner*, and *Agnes*, so of the Manor aforesaid with the Appurtenances, whereof, *&c.* for the Term of the said *Iohn* and *Agnes*, and the longer liver of them, in form aforesaid being seized, the Remainder thereof after the death of them the said *Iohn* and *Agnes*, to the aforesaid *William Cary*, and the Heirs of his Body lawfully begotten, the Remainder thereof for default of such issue, to the aforesaid *Robert Cary*, and the Heirs of his Body lawfully begotten, the Remainder thereof for default of such issue, to the aforesaid *Henry Cary Knight*,

Knight, Lord of *Hunſdon*, and his Heirs expectant. Before the levying of the aforeſaid Fine in the Conuſance of the aforeſaid *William Bredon*, and *John Bredon*, above ſecond mentioned, The aforeſaid other Fine in the aforeſaid Plea of her the ſaid *Agnes*, above ſpecified was levied, in the aforeſaid Court of the Queen here, from the aforeſaid day of *Eaſter* in 15. dayes, in the yeer of the Reign of the ſaid Lady the Queen that now is the 31th. before the aforeſaid then Juſtices, and other the faithful people of the Lady the Queen then there preſent, Between the aforeſaid *David Eulward*, and *Robert Ham* Plaintiffs, and the aforeſaid *William Cary* Defor ceant, of the Manor aforeſaid with the Appurtenances, whereof, *&c.* And of the aforeſaid 20. Meſſuages, One Dove houſe, 20. Gardens, 300. Acres of Land, 100. Acres of Meadow, 200. Acres of Paſture, 30. Acres of Wood, 1. pound, 6. ſhillings, 4. pence Rent, and the Rent of 4. Capons, and 1. pound of Wax with the Appurtenances, in *Stow-market*, *Newton*, *Gipping*, and One houſe: Which Fine in form aforeſaid levied and had, was had and levied to the uſe of the aforeſaid *David*, and *Robert Ham*, and to their Heirs for ever, to the intent in the Plea of the aforeſaid *Agnes* above mentioned, the aforeſaid *John Gardiner*, and *Agnes*, of the Manor aforeſaid with the Appurtenances, whereof, *&c.* for the Term of the lives of them the ſaid *John Gardiner*, and *Agnes*, and the longer liver of them, ſo as before is ſaid being ſeized, the Remainder thereof to the aforeſaid *David*, and *Robert Ham*, and their Heirs expectant, the aforeſaid Recovery in the aforeſaid Plea of the aforeſaid *William Bredon*, and *John Bredon*, above mentioned, in form aforeſaid was had; And the aforeſaid *Agnes*, further in *Facto* ſaith, That the aforeſaid *John Gardiner* and *Agnes*, from the time of the levying of the Fine in the Conuſance of the aforeſaid *William Bredon*, and *John Bredon*, ſecond mentioned in form aforeſaid was levied. Without that, that the aforeſaid *David*, and *Robert Ham*, the aforeſaid day of bringing of the Writ of the Lady the Queen of Entry, Sur Diſſeiſin in the *Poſt*, in the aforeſaid Plea of the aforeſaid *William Bredon*, and *John Bredon* above mentioned, or ever afterwards were ever Tenants of the Freehold, of the Manor, Tenements, and Rents with the Appurtenances, in the Recovery aforeſaid above mentioned, as the aforeſaid *William Bredon*, and *John Bredon*, above have alleged, And this ſhe is ready to aver, Wherefore ſhe demandeth Judgement and his Damages, by occaſion of the taking, and unjuſt detaining of the Cattel aforeſaid, to her to be adjudged. And the aforeſaid *William Bredon*, and *John Bredon* ſay, That the aforeſaid Plea of the aforeſaid *Agnes*, to the Conuſance of them the ſaid *William* and *John*, as to the aforeſaid 20. pound, reſidue of the 40. pound, at the aforeſaid Feaſt of Saint *Michael* the Archangel, in the yeer 35th. aboveſaid, payable above by Rejoynder pleaded, is inſufficient in Law, to bar her the ſaid *Agnes*, from having her Action aforeſaid, of the taking of the Cattel aforeſaid, in the aforeſaid place in which, againſt them the ſaid *William* and *John*, or to bar the ſaid *William* and *John*, from the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* And that they to that Plea, in manner and form aforeſaid pleaded need not, nor by the Law of the Land are bound to Anſwer, for that, that is to ſay, That the aforeſaid Induction of the Plea of the ſaid *Agnes*, to the Traverſe aforeſaid, in her Plea aforeſaid to the Conuſance of them the ſaid *William* and *Iohn*, above rejoyning pleaded, is not ſufficient in Law to induce that Traverſe, And that the Traverſe of the aforeſaid Tenances of the *David*, and *Robert Ham*,

Ham, the day of the bringing of the aforeſaid Writ of Entry upon Diſſeiſin in the *Poſt*, of the aforeſaid Manor, Tenements, Rents with the Appurtenances, in the ſame Plea pleaded is not material in Law. And this they are ready to aver, wherefore for want of ſufficient Plea, of the ſaid *Agnes* in this behalf, the ſaid *William* and *John*, as at firſt demand Judgement, and the retorn of the Cattel aforeſaid, together with damages, *&c.* to be to them adjudged. And the aforeſaid *Agnes*, for as much as ſhe hath alleged ſufficient matter in Law, and the aforeſaid *William Bredon*, and *John Bredon*, from their Conuſance aforeſaid, as to the aforeſaid 20. pound, of the aforeſaid 40. p. reſidue at the aforeſaid Feaſt of Saint *Michael* the Archangel payable, to have to bar, and the ſaid *Agnes* to have her Action aforeſaid, againſt the ſaid *William* and *John*, above hath alleged, which ſhe is ready to aver, which matter the aforeſaid *William* and *John* do not deny, nor to the ſame do any wayes Anſwer, but the the ſame Averment utterly refuſe to admit, as before, demandeth Judgement and her damages, by occaſion of the taking, and unjuſtly detaining, of the Cattel aforeſaid, to her to be adjndged. And becauſe the Juſtices here will aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day is given to the parties aforeſaid, here until in 8. dayes from Saint *Michael*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof not yet, *&c.* At which day, here cometh aſwelthe aforeſaid *Agnes*, as the aforeſaid *Wil. Bredon*, & *J. Bredon* by their Atornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, day further is given to the parties aforeſaid, here until in 8. dayes of Saint *Hillary*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof not yet, *&c.* At which day, here cometh aſwel the aforeſaid *Agnes*, as the aforeſaid *Wil. Bredon*, and *John Bredon*, by their Attornies aforeſaid. And upon this, The premiſes ſeen, and by the Juſtices here fully underſtood, It ſeemeth to the ſaid Juſtices here, That the aforeſaid Plea, of the aforeſaid *Agnes*, to the Conuſance of the aforeſaid *William* and *John*, as to the aforeſaid 20. pouud, reſidue of the aforeſaid 40. pound, at the aforeſaid Feaſt of Saint *Michael* the Archangel, in the yeer 35th. aboveſaid, payable by Rejoynder pretended, is not ſufficient in Law, for the ſaid *Agnes* to have her Action aforeſaid, of the taking of the Cattel aforeſaid, againſt the ſaid *William* and *John*, or to maintain: Or them the ſaid *William* and *John*, from the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* juſtly acknowledged to bar, as the aforeſaid *William* and *John*, above have alleged. Therefore it is granted that the aforeſaid *Agnes*, take nothing by her Writ aforeſaid, but be in mercy for her falſe claim; And the aforeſaid *William* and *John*, go thereof without day, *&c.* And that they have retorn of the Cattel aforeſaid, to be holden to them irreplegiable for ever. And how, *&c.* the Sheriff make it appear from the day of *Eaſter* 15. dayes, *&c.* And it is alſo granted, That the ſaid *William* and *John*, ought to recover their damages, by the occaſion aforeſaid againſt the aforeſaid *Agnes*. But becauſe it is not known what damages the ſaid *William* and *John* have ſuſtained by that occaſion, It is commanded the Sheriff, that by the Oaths of good and lawful men of the County aforeſaid, he diligently enquire what damages the ſaid *William* and *John* have ſuſtained, aſwel by occaſion of the premiſes, as their coſts and charges by them about their Sute in this behalf expended; And the Enquiry which, *&c.* They ſend here at the aforeſaid

Term under Seal, &c. and the Seals, &c. At which day here come the aforeſaid *William Bredon*, and *John Bredon*, By their Attorny aforeſaid, And the Sheriff therof did nothing, nor ſent the Writ thereof, Therefore, that an other Writ, be made in form aforeſaid, retornable here from the day of *Holy Trinity*, 15. dayes, At which day here came the aforeſaid *William* and *John*, by their Attorny aforeſaid. And the Sheriff, that is ſay, *Thomas Edon Eſquire*, now ſent, That before the comming of the Writ aforeſaid, The Cattel aforeſaid were eſloyned out of his Baliwick, to places to him unknown, By which the Cattel aforeſaid to the ſaid *William* and *John*, he could not retorn as to him it was commanded. Alſo the ſame Sheriff ſent here a certain Inquiſion taken before him at *Bury* Saint *Edmonds* in the County aforeſaid, the 30th. day of *May* laſt paſt, by the Oaths of 12. men, &c. by virtue of the Writ aforeſaid taken, by which it is found, That the aforeſaid *William* and *John*, ſuſtained damages by the occaſion aforeſaid, above their coſts and charge by them about their Sute in this behalf put unto 5. ponnd, And for their coſts and charges to 10. ſhillings. Therefore it is commanded to the Sheriff, That of the other Cattel of the aforeſaid *Agnes*, to the value of the Cattel aforeſaid firſt taken, he take in *Withernam*, and them to the aforeſaid *William* and *John*, without delay he do deliver to be deteined, to them until the Cattel aforeſaid, firſt taken were retorned. And how, &c. that he make it appear here in 8. dayes of St. *Michael*, &c. And alſo that the aforeſaid *Agnes* be attached, that ſhe be here at the aforeſaid Term, to anſwer aſwel to the Lady the Queen of her Contempt aforeſaid, as to the aforeſaid *William* and *John*, of the damages and injuries to them in this behalf offered, &c. And alſo it is granted, That the aforeſaid *William* and *John*, recover againſt the aforeſaid *Agnes*, their damages aforeſaid to 5. pound, and 10. ſhillings, by the Enquiry aforeſaid, in form aforeſaid found, as alſo 21. pound, 3. ſhillings, and 4. pence, to them the ſaid *William* and *John*, at their requeſts for their Coſts and Charges by the Court here of Encreaſe adjudged, which damages in the whole do amount to 26. pound, 13. ſhillings, and 4. pence.

Replevin.

Hillary Term, Anno 35 *Eliz. Rot.* 498. in the *KINGS-BENCH*, C. 1. part, *Ann Mayowes* Caſe, Fol. 141.

Kent.

GEorge *Maſon*, and *Francis Eaſterley*, were Attached by the Writ of the Lady the Queen of Second Deliverance, to Anſwer to *John Kettel*, of a Plea, wherefore they took the Cattel of the ſaid *John*, and them unjuſtly deteined againſt Gages & Pledges, &c. And whereupon the ſaid *Joh. Kettel*, by *Edward Willan* his Attorny, complaineth, That the aforeſaid *George* and *Francis*, the 18th. day of *June*, in the yeer of the Reign of the Lady *Elizabeth*, now Queen of *England*, the 33th. at *Sutton Atthone*, in the County aforeſaid, in a certain place there called *Abrahams Land*, took Cattel, that is to ſay, 7. Cowes, and One Bull of the ſaid *John* and them unjuſtly deteined againſt Gages and Pledges, until, &c. Whereupon, the ſaid *John Kettel*

Kettel ſaith, that he is the worſe, and hath damage to the value of 30. pound, and thereof bringeth ſute, &c. And the aforeſaid *George Mayon*, and *Francis Eaſterley*, by *Michael Low* their Attorny, come and defend the force and injury when, &c. And juſtly, &c. Becauſe they ſay, That the aforeſaid Plea in which it is ſuppoſed the taking of the Cattel aforeſaid to have been done, doth contein, and at the time of the taking aforeſaid, above ſuppoſed to be done, did contein in it ſelf by Eſtimation 8. Acres of Paſture with the Appurtenances, in *Sutton Atthone* aforeſaid, and that long before the aforeſaid time in which, &c. One *Dioniſius Mayow Gentleman*, was of the aforeſaid place in which, &c. amongſt other, ſeized in his demeſn as of Fee, and ſo thereof being ſeized, The ſame *Dioniſius* afterwards, that is to ſay, before the time of the taking aforeſaid, above ſuppoſed to be done, that is to ſay, The 30th. day of *May*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 19th. at *Sutton Atthone* aforeſaid, by his Writing ſealed with his Seal, and to the Court of the Lady the Queen that now is brought, bearing date the ſame day and yeer, gave and granted to the aforeſaid *Ann*, by the name of *Ann Maxey*, of *Chigwell*, in the County of *Eſſex*, One Annuity or yeerly Rent of 20. pound, of lawful Mony of *England*, to be iſſuing out of the aforeſaid place in which, &c. Amongſt other, by the names of all Lands and Tenements of him the ſaid *Dioniſius*, in *Sutton Atthone*, aforeſaid, and in *Willington*, in the aforeſaid County of *Kent*: To have, and perceive the aforeſaid Annuity or yeerly Rent aforeſaid of 20. pound aforeſaid, to the aforeſaid *Ann* and her Aſſignes, for the time of the natural life of her the ſaid *Ann*, at the Feaſt of the bleſſed Lady *Mary* the Virgin, & St. *Michael* the Archangel, by equal portions yeerly to be perceived. And if it ſhould happen the aforeſaid yeerly Rent or Annuity of 20. pound, at any Feaſt of payment, in which it is ſaid ought to be paid, within 40. dayes after any Feaſt of the Feaſts, in part or in whole, be behind and not paid, that then it be lawful to the aforeſaid *Ann*, or her Aſſignes, in the Tenements aforeſaid with the Appurtenances, to enter and diſtrein, and the diſtreſſes there found or taken, to carry away, lead and drive, and with her to keep, until of the whole aforeſaid yeerly Rent or Annuity, together with all the Arrerages thereof, if any ſhould be to her, ſhe ſhould be fully ſatisfied and paid, as by the ſaid Writing amongſt other things more fully appeareth. By virtue of which Gift and Grant, the ſaid *Ann*, was of the Annuity, or yeerly Rent aforeſaid, ſeized in her demeſn as of Freehold, for the Term of her life; And ſo thereof being ſeized, The ſaid *Ann* afterwards, and before the time in which &c. at *Sutton Atthone* aforeſaid, took to Huſband the aforeſaid *Dioniſius*, And afterwards, and before the time in which it is ſuppoſed, the taking aforeſaid of the Cattel aforeſaid to be done, that is to ſay, the 20th. day of *March*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 29th. the aforeſaid *Dioniſius*, at *Sutton Atthone* aforeſaid dyed, and the aforeſaid *Ann*, him over lived, and was of the Annuity or yeerly Rent aforeſaid, ſeized in her demeſn as of Freehold for the Term of her life. And becauſe 20. pound of the Annuity or yeerly Rent aforeſaid, by one whole yeer ended at the Feaſt of Saint *Michael* the Archangel, in the yeer of the Reign of the ſaid Lady the Queen that now is the 29th. and within the ſpace of 40. dayes then next following, were not paid to the ſaid *Ann*, but were behind, The ſaid *George Maſon*, and *Francis*, as Bayliffs of the ſaid *Ann*, do well acknowledge the taking of the Cattel aforeſaid, in the aforeſaid

place in which, &c. as in parcel of the Tenements aforeſaid with the Appurtenances, to the diſtreſſe of the ſaid *Ann*, in form aforeſaid charged and bound. And this they are ready to aver, Whereupon, They demand Judgement and Retorn of the Cattel aforeſaid, together with their damages coſts and charges, by them about their Sute in this behalf put unto, to be adjudged unto them, &c. And the aforeſaid *John Kettel* ſaith, That the aforeſaid *George Maſon*, and *Francis Eaſterly*, by any thing before alleged, the taking of the Cattel aforeſaid, in the aforeſaid place in which, to be juſt, ought not to acknowledge; For he ſaith, that long before the aforeſaid time of taking of the aforeſaid Cattel done, and long before the grant of the aforeſaid Annuity or yeerly Rent aforeſaid of 40 pound, And long before the ſaid *Dioniſius Mayow*, had any thing of and in the aforeſaid 8. Acres of Paſture with their Appurtenanes, One *Thomas Mayow* was thereof ſeized in his demeſn as of Fee; And ſo being thereof ſeized, The ſaid *Tho. Mayow*, before the time of the taking of the Cattel aforeſaid, & long before the Grant of the aforeſaid Annuity, that is to ſay, the 15. day of *January*, in the yeer of the Reign of the Lady the Queen the 19th. at *Sutton Atthone* aforeſaid, of the ſaid 8. Acres of Paſture with the Appurtenances, in which, &c. Enfeoffed one *Thomas Scot*, of *Sutton Atthone* aforeſaid *Gentleman*, and *John Fremling* of *Dartford*, in the ſaid County *Baker*, amongſt other things, By the name of all thoſe his Two Manors, of *Sawters* and *Sawley*, with the Barns, Stables, Dove-houſes, and all other the Houſes and Buildings to the ſaid Manors belonging, Orchards & Gardens with the Appurtenances, ſituate, lying and being in *Sutton Atthone* aforeſaid, then in the Tenure or Occupation of the ſaid *Thomas Mayow*, and alſo by the name of all other his Houſes and Buildings, Lands and Tenements, Meadow, Paſture, Woods, and Underwoods, Rents, and Reverſions, ſituate, lying and being within the Towns, Pariſhes, and Fields, of *Sutton Atthone* aforeſaid, *Wilmington*, and *Dartford*, or elſewhere, in the aforeſaid County of *Kent*, as alſo the Reverſion and Remainder, of all and ſingular the premiſes, Rents, and yeerly profits, reſerved upon whatſoever Demiſes or Grants of the premiſes, or any parcel thereof before then made: To have, and to hold the aforeſaid Manors, and other the premiſes with the Appurtenances, whereof, &c. To the aforeſaid *Thomas Scot*, and *John Fremling*, their Heirs and Aſſignes for ever, to the only uſe and behoof of the aforeſaid *Dioniſe Mayow*, Son and Heir Apparent of the ſaid *Thomas Mayow*, his Heirs and Aſſignes for ever, of the chief Lords of the Fee, by the ſervices thereof firſt due, and of right accuſtomed, upon the Conditions following, That is to ſay, That the aforeſaid *Dioniſe Mayow*, or his Heirs, ſhould pay or cauſe to paid to *Petronill Martin*, of *Mylton*, in the aforeſaid County of *Kent* Widow, the yeerly Rent of 10. pound, for the Term of the life of her the ſaid *Petronill*. Which yeerly Rent of 10. pound, the aforeſaid *Thomas Mayow*, to the aforeſaid *Petronill*, before had granted, for and in conſideration of a Mariage to be had and ſolemnized, between the aforeſaid *Thomas Mayow*, and the aforeſaid *Petronill*, after the death of the aforeſaid *Thomas Mayow*, And upon Condition, That if the aforeſaid *Thomas Mayow*, at any time during the natural life of the ſaid *Thomas*, ſhould pay or cauſe to be paid to the aforeſaid *Thomas Scot*, and *John Fremling*, or to either of them, or to the Heirs of the longer liver of them, 10. ſhillings of good and lawful Mony of *England*, that then the Feoffment aforeſaid, ſhould be void, and of no force in Law: And that then it ſhould be lawful to the aforeſaid *Tho. Mayow*,

into

into the aforeſaid Two Manors, and all the premiſes with the Appurtenances, whereof, *&c.* to re-enter, and the ſame to have again in his former Eſtate and Condition, any Act, Thing, Cauſe, or Matter whatſoever to the contrary thereof notwithſtanding. By virtue of which Feoffment, and by force of a certain Act, in the Parliament of the Lord *Henry*, late King of *England* the 8th. at *Weſtminſter*, in the County of *Middleſex*, the 4th. day of *February*, in the yeer of his Reign the 27th. of transferring uſes into poſſeſſion, The ſaid *Dioniſe Mayow*, was ſeized of the aforeſad 8. Acres of Paſture with the Appurtenances, in which, in his demeſn as of Fee, upon the Conditions aforeſaid: And ſo thereof being ſeized, The ſaid *Dioniſe*, before the aforeſaid time of taking the Cattel aforeſaid, that is to ſay, the 30th. day of *May*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 19th. aboveſaid, at *Sutton Atthone* aforeſaid, by his Writing ſealed with his Seal, bearing date the ſame day and yeer, Gave and Granted to the aforeſaid *Ann*, by the name of *Ann Maxey*, of *Chigwel*, in the County of *Eſſex*, the Annuity or yeerly Rent aforeſaid, of 20. pound to be iſſuing out of the aforeſaid place in which, *&c.* amongſt other, in manner and form, as the aforeſaid *George Maſon*, and *Francis Eaſterley*, above in their Conuſance aboveſaid have alleged; And the ſaid *Ann* afterwards, and before the aforeſaid time in which, *&c.* At *Sutton Atthone* aforeſaid took to Husband the ſaid *Dioniſe*, and afterwards, and before the time of the taking of the Cattel aforeſaid, that is to ſay, the 30th. day of *January*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 24th. The aforeſaid *Thomas Mayow*, at *Sutton Atthone* aforeſaid, payed to the aforeſaid *Thomas Stot*, and *John Fremling* 10. ſhillings, of good and lawful Mony of *England*, in the Condition of the Feoffment aforeſaid above mentioned, in full ſatisfaction and performance of the Condition aforeſaid, By which, The ſaid *Thomas Mayow*, afterwards and before the aforeſaid time of the taking of the Cattel aforeſaid, into the aforeſaid 8. Acres of Paſture with the Appurtenances, in which, *&c.* amongſt other, entred and was thereof ſeized, that is to ſay, in his demeſn as of Fee, and ſo thereof being ſeized, The ſaid *Thomas Mayow*, before the time in which, *&c.* that is to ſay, the 3d. day *May*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 24th. aboveſaid, at *Sutton Atthone* aforeſaid, by his Writing ſealed with his Seal, and to the Court of the ſaid Lady the Queen, now here brought, bearing date the ſame day and yeer, enfeoffed one *Thomas Waller*, amongſt other, of the aforeſaid 8. Acres of Paſture with the Appurtenances, in which, *&c.* by the name of *Abrahams Land*, containing by Eſtimation 9. Acres, more or leſs, lying in *Sutton Atthone* aforeſaid: To have, and to hold the ſame Cloſe called *Abrahams Land* with the Appurtenances, amongſt other, to the aforeſaid *Thomas Waller*, his Heirs and Aſſignes, To the only proper uſe and behoof of the ſaid *Thomas Waller*, his Heirs and Aſſignes for ever, as by the ſaid Writing amongſt other things more fully appeareth: By virtue of which Feoffment, the ſaid *Thomas Waller*, of the aforeſaid Cloſe with the Appurtenances, in which, *&c.* was ſeized in his demeſn as of Fee, and ſo thereof being ſeized, The aforeſaid *Dioniſe Mayow*, afterwards and before the aforeſaid time of the taking of the Cattel aforeſaid, that is to ſay, the 20th. day of *March*, in the yeer of the Reign of the ſaid Lady the Queen that now is 29th. at *Sutton Atthone* aforeſaid dyed, as the aforeſaid *George Maſon*, and *Francis Eaſterley*, above in pleading have alleged; After whoſe death, and before the aforeſaid time of the taking

of the Cattel aforeſaid, that is to ſay, the 29th. day of *September*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 32th. The aforeſaid *Thomas Waller*, at *Sutton Atthone* aforeſaid, demiſed and to farm ſet, to the aforeſaid *John Kettel*, the aforeſaid Cloſe with the Appurtenances, in which, *&c.* amongſt other, To have and to hold to the aforeſaid *John Kettell*, and his Aſſignes, from the aforeſaid 29th. day of *September*, in the 32th. yeer aboveſaid, unto the end and Term of one whole yeer then next following, and fully compleat and ended; By virtue of which demiſe, the aforeſaid *John Kettell* afterwards, and before the aforeſaid time in which, *&c.* that is to ſay, the 30th. day of *September*, in the 32th. yeer aforeſaid, in the Cloſe aforeſaid in which, *&c.* entred and was thereof poſſeſſed; And ſo thereof being poſſeſſed, The ſame *John Kettell* afterwards, and before the aforeſaid time in which, *&c.* that is to ſay, the 17th. day of *June*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 33th. put his Cattel aforeſaid, into the aforeſaid Cloſe, to eat the graſs there, as it was lawful for him to do, which Cattel, were in the aforeſaid Cloſe, *&c.* there the graſs there late growing eating, until the aforeſaid *George Maſon*, and *Francis Eaſterley*, the aforeſaid Cattel, the aforeſaid time in which, *&c.* unjuſtly took and deteined in manner and form, as the aforeſaid *John Kettell* above againſt them complaineth. And this he is ready to aver, Wherefore in as much as the ſaid *George* and *Francis*, the taking of the Cattel aforeſaid above acknowledgeth, The ſaid *John Kettel* demands Judgement, and his damages aforeſaid, for the occaſion of the taking, and unjuſt deteining of the ſaid Cattel, to be adjudged to him, *&c.* And the aforeſaid *George Maſon*, and *Fracis Eaſterley* ſay, that well and true it is, that before the aforeſaid time of the taking of the Cattel aforeſaid, above ſuppoſed to be done, and before the grant of the aforeſaid Annuity of 20. pound, and before the ſaid *Dioniſe* had any thing in the aforeſaid 8. Acres of Paſture with the Appurtenances, in which, *&c.* The aforeſaid *Thomas Mayow*, in the Bar aforeſaid to the Conuſance aforeſaid named, was ſeized of the aforeſaid 8. Acres of Paſture with the Appurtenances, in his demeſn as of Fee; And ſo thereof being ſeized, That the ſaid *Thomas* the aforeſaid 15. day of *January*, in the 19th. yeer aforeſaid, of the ſaid 8. Acres of Paſture with the Appurtenances, enfeoffed the aforeſaid *Thomas Scot*, and *John Fremling*, in the Bar named, To have, to them and their Aſſignes for ever, To the uſe of the ſaid *Dioniſe*, his Heirs and Aſſignes for ever, upon the Conditions aforeſaid, in the Bar above in this part ſpecified; And that by virtue of the ſame Feoffment, and by force of the aforeſaid Statute, the ſaid *Dioniſe* was ſeiſed of the aforeſaid 8. Acres of Paſture with the Appurtenances in which, *&c.* amongſt other, in his demeſn as of Fee, in manner and form, as the aforeſaid *John Kettel*, in the Bar aforeſaid to the Conuſance aforeſaid above in pleading alleged. And the ſaid *George* and *Francis* now Defendants further ſay, That the aforeſaid *Dioniſe* before the aforeſaid time of the taking of the Cattel aforeſaid, above ſuppoſed to be done, that is to ſay, the aforeſaid 30th. day of *May*, in the 9th. yeer aforeſaid, by his Writing aforeſaid, gave and granted to the aforeſaid *Ann*, the aforeſaid Annuity or yeerly Rent of 20. pound, to be iſſuing out of the aforeſaid place in which, *&c.* Amongſt other, in manner and form as the aforeſaid *John Kettell*, in his Bar aforeſaid to the Conuſance aforeſaid, above in pleading hath alleged, To have, and to hold the Annuity or yeerly Rent aforeſaid of 20. pound, to the aforeſaid *Ann*, and her Aſſignes, for the Term

of

of the natural life of the ſaid *Ann*, at the Feaſts aforeſaid, above in this behalf ſpecified, by equal portions yeerly to be perceived, with the aforeſaid clauſe of diſtreſſe in that Writing contained, in the Conuſance above in this behalf ſpecified; And the ſaid *George*, and *Francis Eaſterly*, alſo in *Facto* ſay, That the aforeſaid *Thomas Mayow*, the aforeſaid Grant of the Rent aforeſaid, and the Eſtate of the ſaid *Ann*, in the ſaid Rent then and there, that is to ſay the aforeſaid 30th. day of *May*, in the 19th. yeer aboveſaid, at *Sutton Atthone* aforeſaid, by the name of *Thomas Mayow*, of *Sutton Atthone*, in the County of *Kent Gentleman*, by his Writing ſealed with the Seal of him the ſaid *Thomas*, and to the Court of the ſaid Lady the Queen that now is, here brought, bearing date the ſame day and yeer, to the aforeſaid *Ann*, by the name of *Ann Maxey*, of *Chigwel*, in the County of *Eſſex*, ratified and confirmed, as by the ſaid Writing amongſt other things more fully appeareth; By colour of which, the ſaid *Ann* was of the Annuity or yeerly Rent aforeſaid, ſeized in her demeſn as of Freehold, for the Term of her life; And ſo thereof being ſeized, the ſaid *Ann* afterwards, and before the aforeſaid time in which, *&c.* At *Sutton Atthone* aforeſaid, took to Husband the aforeſaid *Dioniſe*; And afterwards, and before the aforeſaid time in which it is ſuppoſed, the taking of the Cattel aforeſaid to be done, that is to ſay, the aforeſaid 20th. day of *March*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 29th. aforeſaid, the aforeſaid *Dioniſe*, at *Sutton* aforeſaid dyed; And the aforeſaid *Ann*, him overlived, and was, and yet is of the aforeſaid Annuity or yeerly Rent of 20. pound, ſeized in her demeſn as of Freehold, for the Term of her life, And becauſe 20. pound of the Annuity or yeerly Rent aforeſaid, by a whole yeer ended, at the Feaſt of Saint *Michael* the Archangel, in the yeer of the Reign of the ſaid Lady the Queen that now is the 29th. aforeſaid, and within the ſpace of 40. dayes then next following, were not paid to the ſaid *Ann*, but were behind, the aforeſaid *George Maſon*, and *Francis Eaſterley*, as Bayliffs of the ſaid *Ann*, do acknowledge the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* And juſtly, *&c.* As in parcel of the Tenements aforeſaid with the Appurtenances, to the diſtreſſe of the ſaid *Ann*, in form aforeſaid charged and bound: And this they are ready to aver, whereupon, as at firſt they demand Judgement, and Retorn of the Cattel aforeſaid, with their Damages, Coſts, and Expenſes, by them about their Sute in this behalf put unto, according to the form of the Statute in ſuch caſe had and provided, to be adjudged unto them, *&c.* And upon this, the aforeſaid *John Kettel* prayeth, That the Writing of Confirmation of the Annuity aforeſaid, be inrouled in theſe words, *&c.* And it is inrouled in this form as followeth. *ff.* To all Chriſtian People, to whom this preſent Writing ſhall come, *Thomas Mayow*, of *Sutton Atthone* aforeſaid in the County of *Kent Gentleman*, and *Dioniſe Mayow*, Son and Heir Apparent of the ſaid *Thomas Mayow*, of *Bernards Inn*, in the County of *Middleſex Gentleman*, greeting, in our Lord God everlaſting. Know yee, We the aforeſaid *Thomas* and *Dioniſe*, to have given, granted, and in this our preſent Writing confirmed to *Ann Maxey*, of *Chigwell*, in the County of *Eſſex*, for and in Conſideration of a certain Mariage to be had and ſolemnized, Between the aforeſaid *Dioniſe Mayow*, and *Ann Maxey* foreſaid, one yeerly Rent or Annuity of 20. pound, of lawful Mony of *England*, of all, our, or either of our Lands and Tenements, in *Sutton Atthone* aforeſaid, and *Wilmington* in the County of *Kent* aforeſaid, To have and perceive, the

ſaid

ſaid yeerly Rent or Annuity of 20. pound aforeſaid, of the aforeſaid Lands and Tenements with their Appurtenances, to the aforeſaid *Ann* and her Aſſignes, for the term of the life of the aforeſaid *Ann*, at the Feaſts of the Annuntiation of the bleſſed *Mary* the Virgin, and Saint *Michael* the Archangel, by equal portions yeerly to be perceived; And if it happen the aforeſaid yeerly Rent, or Annuity of 20. pound, at any Feaſt of payment in which it is ſaid it ought to be paid, within 40. dayes after any of the aforeſaid Feaſts, in part or in all, to be behind and unpaid, That then it be lawful to the aforeſaid *Ann*, and her Aſſignes, into the aforeſaid Lands and Tenements, to enter and diſtrein, and the diſtreſſes there found and taken, to carry away, lead, drive, and with them to keep, untill of the aforeſaid yeerly Rent or Annuity, together with all the Arrerages thereof if any were, to them it be ſatisfied and paid, of which yeerly Rent or Annuity, we have put the aforeſaid *Ann Maxey* in full poſſeſſion and ſeizin, by paying of one penny of lawful Mony of *England*, *&c.* In witneſſe whereof we the aforeſaid *Tho. Mayow*, and *Dionyſe Mayow*, to this our preſent Writing, our Hands and Seals have put; Dated the 30th. day of *May*, in the yeer of the Reign of our Lady *Elizabeth*, by the Grace of God, of *England*, *France* and *Ireland*, Defender of the Faith, *&c.* the 19th. Which being Read and Heard, The ſaid *John Kettel* ſaith, That the Plea aforeſaid, by the aforeſaid *George* and *Francis*, above to the Bar of the ſaid *John Kettell* aforeſaid, to the Conuſance aforeſaid in manner and form aforeſaid above pleaded, and the matter in the ſame contained is not ſufficient in Law, to the taking of the Cattel aforeſaid, in the place aforeſaid, in which, *&c.* juſtly acknowledged, to which the ſaid *John Kettell* needeth not, or by the Law of the Land is any wayes bound to Anſwer; Wherefore for want of a ſufficient Plea in this behalf, the ſame *John* as at firſt demandeth Judgement, and his damages aforeſaid, by the occaſion aforeſaid, to be to him adjudged, *&c.* And the aforeſaid *George Maſon*, and *Francis Eaſterley* ſay, that the plea aforeſaid, by them the ſaid *George* and *Francis*, above unto the Bar of the aforeſaid *John Kettell* aforeſaid, to the Conuſance aforeſaid, in mãner & form aforeſaid above pleaded, & the matter in the ſame cõtained, is good and ſufficient in Law, to the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* juſtly acknowledged, Which Plea, & the matter therein conteined, the ſaid *George* and *Francis*, are ready to aver and prove, as the Court, *&c.* And becauſe the aforeſaid *John Kettell*, to that Plea doth not Anſwer, nor the ſame as yet any wayes denyeth, The ſaid *George* and *Francis*, as at firſt demand Judgement, and Retorn of the Cattel aforeſaid, together with their damages, according to the form of the Statute in ſuch caſe late had and provided to them to be adjuged. And becauſe the Court of the Lady the Queen here, of their Judgement of and upon the premiſes to be given is not yet aviſed, day is given to the parties aforeſaid, before the Lady the Queen, until from the day of *Eaſter* 15. dayes, whereſoever, *&c.* to hear their Judgemen of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day, before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid by their Attornies aforeſaid; And becauſe the Court of the Lady the Quen that now is, here of giving their Judgement of upon the premiſes is not yet aviſed, further day is given to the parties aforeſaid, before the Lady the Queen in the Morrow of the *Holy Trinity*, whereſoever, *&c.* to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the

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Queen here thereof not yet, &c. At which day before the Lady the Queen at *Weſtmin.* came the parties aforeſaid, by their Attornies aforeſaid; And becauſe the Court of the Lady the Queen that now is here of giving their Judgement of and upon the premiſes, is not yet aviſed, day further is given to the parties aforeſaid, before the Lady the Queen, in 8. dayes of Saint *Michael*, whereſoever, &c. to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. Before which day, The Plea aforeſaid was adjorned by the Writ of the Lady the Queen of Common Adjornment, before the Lady the Queen, until from the day of Saint *Michael* in one Moneth, at the Town of Saint *Alban*, in the County of *Hertford*, At which day, the Plea aforeſaid was further adjorned, by another Writ of the Lady the Queen of Common Adjornment, before the ſaid Lady the Queen, until the Morrow of *All Souls*, at the Town of Saint *Alban* aforeſaid: At which day, before the Lady the Queen, at the Town of Saint *Alban* aforeſaid, cometh as well the ſaid *John Kettel*, by his Attornies aforeſaid, as the aforeſaid *George Maſon*, and *Francis Eaſterley*, in their proper perſons, And becauſe the Court of the ſaid Lady the Queen that now is here of giving their Judgement of and upon the premiſes, is not yet aviſed, day further is given to the parties aforeſaid, before the Lady the Queen, in 8. dayes of Saint *Hillary*, whereſoever, &c. to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. Before which day, the Plea aforeſaid was further adjorned, by another Writ of the Lady the Queen of Common Adjornment, before the Lady the Queen at *WESTMINSTER* aforeſaid, at the aforeſaid 8. dayes of Saint *Hillary*. At which day, before the Lady the Queen at *WESTMINSTER*, come as well the aforeſaid *John Kettell*, by his Attornie aforeſaid, as the aforeſaid *George Maſon* and *Francis Eſterley* in their proper perſons: and becauſe the Court of the ſaid Lady the Queen that now is here of giving their Judgment of, and upon the premiſes, is not yet aviſed, day farther is given to the parties aforeſaid, before the Lady the Queen, from the day of *Eaſter* 15. dayes whereſoever, &c. to hear their Judgment of and upon the premiſes, becauſe the Court of the Lady the Queen here, thereof not yet &c. at which day, before the Lady the Queen at *Weſtminſter*, cometh as well the aforeſaid *John Kettle*, by his Attorny aforeſaid, as the aforeſaid *George Maſon*, and *Francis Eſterley* in their proper perſons. And upon this, all and ſingular the premiſes, by the Court of the ſaid Lady the Qeen that now is here being ſeen, and matute deliberation thereof being had, Becauſe it ſeemeth to the Court of the Lady the Queen that now is here, that the plea aforeſaid, by the aforeſaid *George* and *Francis*, to the Bar of the aforeſaid *John Kettle* aforeſaid, to the Conuſance aforeſaid, in manner and form aforeſaid, above pleaded, and the matter in the ſame contayned is good and ſufficient in Law, Therefore it is granted, that the ſaid *John Kettle* take nothing by his writ aforeſaid, and that he and his Sureties for his falſe clamor aforeſaid, thereof be in mercy, &c. and the aforeſaid *George Maſon* and *Francis Eſterly* thereof go without day, &c. and have Retorn of their Cattel aforeſaid, to be holden by them irreplegiable for ever. And further according to the form of the Statute in ſuch caſe late had and provided, it is granted, that the aforeſaid *George Maſon* and *Francis Eaſterly*, recover againſt the aforeſaid *John Kettle*, their damages which they have ſuſteined as well by the occaſion of the premiſes, as for their Coſts and

charges by them about their ſute in this behalf expended. But becauſe to the ſaid Court of the ſaid Lady the Queen that now is here, It is unknown what damages the ſaid *George* and *Francis* in this behalf ſuſtained: It is commanded to the Sheriff, that by the Oath of good and lawfull men of his Bailiffwick, he diligently enquire what damages the aforeſaid *George* and *Francis* have ſuſteyned, and the Enquire which, *&c.* to the Lady the Queen in the morrow of the *Holy Trinity*, whenſoever, *&c.* under Seal, *&c.* and the Seals, *&c.* he ſend together with the Writ of the ſaid Lady the Queen thereof to him directed. The ſame day is given to the ſaid *George* and *Francis*, *&c.* At which day, before the Lady the Queen at *Weſtminſter*, cometh the aforeſaid *George* and *Francis* in their proper perſons, And the Sheriff, that is to ſay, *Michael Sands Eſquire*, at that day, Certified that the Cattel aforeſaid, before the Receiving of the Writ aforeſaid, were eſloined to places, to the ſaid Sheriff unknown, by the within named *John Kettel*, ſo that the Cattel to the aforeſaid *George* and *Francis Eſterley*, he cannot retorn irreplegiable, as to the ſaid Sheriff by the Writ aforeſaid it was commanded; And further the ſaid Sheriff certified, an Enquiry before him the 8th. day of *June*, in the 36th. yeer aforeſaid, at *Dedford Strand*, in the County aforeſaid, by the Oaths of 12. and lawful Men of his Baliwick taken, by which it is found, That the aforeſaid *George Maſon*, and *Francis*, ſuſteined damages by the occaſion of the premiſes, above their coſts and chages, by them about their Sute in this behalf expended to 40. ſhillings, and for their coſts and charges to 2. pence, Therefore it is granted, That the aforeſaid *George Maſon*, and *Francis Eſterley*, recover againſt the aforeſaid *John Kettell*, their damages aforeſaid, by the Inquiſition aforeſaid, in form aforeſaid found, As alſo 9. pound, to them the ſaid *George* and *Francis*, for their coſts and charges aforeſaid, by the Court of the Lady the Queen here of Encreaſe adjudged, which damages here in the whole do amount to 11. pound, and 2. pence, And the aforeſaid *John Kettell* in mercy: And further it is commanded to the Sheriff, that of the Cattel of the ſaid *John Kettell* in his Bailiwick, to the value of the Cattel aforeſaid, which to the aforeſaid *George* and *Francis* were adjudged, he take in *Withernam*, And them to the aforeſaid *George* and *Francis*, cauſe to bedelived, to be kept by them, until the Cattel of them the ſaid *Goorge* and *Francis*, in the ſaid Court firſt adjudged can be delivered, *&c.*

REPLEVIN.

Eaſter Term: Anno 36. *of* Elizabeth Rot. 731. *in the COMMON-PLEAS*, C. 2. part, *Bettiworths* Caſe. fol. 27 *a.*

Suſſex. THomas *Bettiſworth*, was ſummoned to Anſwer to *John Hayward* of a Plea, wherefore he took the Cattel of the ſaid *John*, and them unjuſtly deteined againſt Gages and Pledges, *&c.* And whereupon, The ſaid *John*, by *John Comber* his Attorny complaineth, That the aforeſaid *Thomas*, the 28th. day of *October*, in the yeer of the Reign of the Lady the Queen

Queen that now is the 19th. at *Ipping*, in a certain place called *Raynolds*, took the Cattel, that is to ſay, Two Cows of the ſaid *John*, and them unjuſtly deteined againſt Gages, until, &c. And whereupon he ſaith, that he is the worſe, and hath damage to the value of 10. pound, &c. And thereof he bringeth Sute, &c. And the aforeſaid *Thomas*, by *John Trot* his Attorny, cometh and defendeth the force and injury when, &c. And doth well avow the taking of the Cattel aforeſaid, in the aforeſaid place in which, &c. And juſtly, &c. Becauſe he ſaith, That the ſaid place in which it is ſuppoſed, the taking of the Cattel aforeſaid to be done, contained in it ſelf One Acre and half of Land with the Appurtenances, in *Ipping* aforeſaid, And that long before the aforeſaid time in which, &c. One *John Bettiſworth*, was ſeized of and in One Meſſuage, and a Garden, 12. Acres of Land, and one Acre of Wood with the Appurtenances, in *Ipping* aforeſaid, whereof the aforeſaid place in which, &c. is, and the aforeſaid time in which, &c. from the time whereof the Memory of Men is not to the contrary, was parcel in his demeſn as of Fee; And ſo thereof being ſeized, the ſaid *John* long before the aforeſaid time in which, &c. that is to ſay, the 20th. day of *March*, in the yeer of the Reign of the Lady the Queen that now is the 11th. at *Ipping* aforeſaid, by his Indenture made between the aforeſaid *John Bettiſworth* of the one part, and the aforeſaid *John Hayward*, by the name of *John Hayward*, of the ſame Pariſh and County Husbandman, of the other part, demiſed, granted, and to farm let, to the aforeſaid *John Hayward*, the Tenements aforeſaid with the Appurtenances, whereof, &c. To have, and to hold, the ſaid Tenements with the Appurtenances, to the ſaid *John Hayward* and his Aſſignes, from the Feaſt of the Annuntiation of the bleſſed *Mary* the Virgin, then next following, until the end and Term of 21. years, from thence next following, and fully to be compleat and ended; Yielding, and paying, therefore yeerly during the ſayd Term, to the aforeſaid *Iohn Bettiſworth*, and his Aſſignes, 12. pence at the Feaſt of Saint *Michael* the Archangel, or within 10. dayes next after the ſaid Feaſt. By virtue of which Demiſe, the ſaid *John Hayward*, in the Tenements aforeſaid with the Appurtenances, entred and was thereof poſſeſſed, the Reverſion thereof to the ſaid *John Bettiſworth*, and his Heirs expectant, And the ſaid *John Hayward* ſo of the Tenements aforeſaid with the Appurtenances, whereof, &c. being poſſeſſed, and the aforeſaid *John Bettiſworth*, of the Reverſion thereof, and of the Rent aforeſaid being ſeized, in his demeſn as of Fee, The ſaid *Iohn Bettiſworth*, before the time in which, &c. that is to ſay, the 3d. day of *January*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 19th. At *Ipping* aforeſaid, dyed of ſuch his Eſtate of the Reverſion and Rent aforeſaid, with the Appurtenances whereof, &c. ſeized, without iſſue of his Body begotten; After whoſe death, the ſaid Reverſion of the Tenements aforeſaid with the Appurtenances, whereof, &c. deſcended to the ſaid *Thomas Bettiſworth*, as Brother and Heir of the ſaid *John Bettiſworth*; By which the ſaid *Thmas* was ſeized of the aforeſaid Reverſion, of the Tenements aforeſaid with the Appurtenances, whereof, &c. and of the Rent aforeſaid, in his Demeſn as of Fee, And becauſe 12. pence of the Rent aforeſaid, for one whole yeer after the death of the aforeſaid *John Bettiſworth*, ended at the Feaſt of Saint *Michael* the Archangel, in the yeer of the Reign of the Lady the Queen that now is the 19th. to the ſaid *Thomas* the aforeſaid time in which, &c. was behind and not paid, the ſaid *Thomas* doth well avow the taking of the

Cattel aforeſaid, in the aforeſaid place in which, &c. as in parcel of the Tenements aforeſaid with their Appurtenances, to the aforeſaid *John Hayward* in form aforeſaid demiſed, and juſtly, &c. for the ſaid 12. pence of the Rent aforeſaid to him the ſaid *Thomas* ſo being behinde, &c. And the aforeſaid *John Hayward* ſaith, That the aforeſaid *Thomas* for the reaſon before alleged ought not avow thetaking of the cattel aforeſaid in the place aforeſaid in which, &c. to be juſt; becauſe he ſaith, That well aud true it is, That the aforeſaid *John Bettiſworth*, was ſeized of the Tenements aforeſaid with the Appurtenances, whereof, &c. in his demeſn as of Fee, And ſo thereof being ſeized, demiſed to the ſaid *John Hayward*, the Tenements aforeſaid with the Appurtenances, whereof, &c. To have, and to hold to the ſaid *John Hayward*, for the aforeſaid Term of the aforeſaid 21. yeers, as the aforeſaid *Thomas* above alleged; But the ſaid *John Hayward* ſaith, That the aforeſaid *John Bettiſworth*, of the Reverſion of the Tenements aforeſaid with the Appurtenances, whereof, &c. in his demeſn as of Fee, in form aforeſaid being ſeized, before the aforeſaid time in which, &c. into the Tenements aforeſaid with the Appurtenances, whereof, &c. upon the poſſeſſion of him the ſaid *John Hayward*, thereof entred, and him the ſaid *John* from his poſſeſſion did expel, and amove, And immediatly after, of the ſaid Tenements with the Appurtenances, whereof, &c. enfeoffed one *William Bettiſworth*, To have, and to hold the ſaid Tenements with the Appurtenances, whereof, &c. to the ſaid *William*, and his Hers and Aſſignes for ever; By virtue of which Peoffment, the aforeſaid *Willliam* was ſeized of the ſame Tenements with the Appurtenances, whereof, &c. in his demeſn as of Fee, upon the which poſſeſſion of the ſaid *William Bettiſworth* thereof the ſaid *John Hayward* afterwards, and before the aforeſaid time in which, &c. claiming his Term a. foreſaid, of and in the Tenements aforeſaid with the Appurtenances, whereof, &c. into the ſaid Tenements with the Appurtenances, whereof, &c re-entred, and was thereof poſſeſſed, and ſo thereof being poſſeſſed, The ſaid *John Hayward*, before the aforeſaid time in which, &c. put the Cattel aforeſaid, into the aforeſaid place in which, &c. to eat the graſſe in the ſame then growing; Which Cattel were in the ſaid place in which, &c. eating the graſſe in the ſame then growing, until the aforeſaid *Thomas*, the Day and Yeer in the Declaration aforeſaid above ſpecified, At *Ipping* aforeſaid, in the aforeſaid place called *Raynolds*, took the Cattel of him the ſaid *John Hayward*, and them unjuſtly deteined againſt Gages and Pledges, until, &c. as he above againſt him complaineth: Without that, that the aforeſaid *John Bettiſworth*, dyed of the Reverſion of the Tenements aforeſaid with the Appurtenances, whereof, &c. and of the Rent aforeſaid ſeized, as the aforeſaid *Thomas* above hath alleged; And this he is ready to aver, wherefore in as much as the aforeſaid *Thomas*, the taking of the Cattel aforeſaid, in the aforeſaid place in which, &c. above acknowledgeth, The ſaid *John Hayward* demandeth Judgement, and his damages by the occaſion of the taking, and unjuſt deteining of the ſaid Cattel, to be adjudged unto him, &c. And the aforeſaid *Thomas* as at firſt ſaith, That the aforeſaid *J. Bettiſworth* dyed of the Reverſion of the Tenemēts aforeſaid with the Appurtenances whereof, &c. and of the Rent aforeſaid ſeized, as he above alleged; and of this puts himſelf upon the Country, and the ſaid *John Hayward* likewiſe; Therefore it is commanded to the Sheriff, that he cauſe to come here, from the day of *Eaſter*, in 5. weeks 12. &c. by whom

&c.

&c. And who neither, *&c.* To Recognize, *&c.* Becauſe as wel, *&c.* At which day here came the Parties, *&c.* And the Sheriff ſent not the Writ: Therefore as before, It is cmmanded to the Sheriff, that he cauſe to come here 12. *&c.* in the Morrow of the *Holy Trinity*, To recognize, *&c.* At which day here cometh the parties, And the Sheriff ſent not the Writ, Therefore it is commanded the Sheriff as at firſt, That he cauſe to be here the morrow of Saint *Martin* 12. *&c.* to Recogniz: in the form aforeſaid, At which dayes come the Parties, and the Sheriff ſent not the Writ: Therefore as at firſt, it is commanded the Sheriff, that he cauſe to come here 12. *&c.* 8. dayes of St. *Hillary*, &c. To Recogniſe, *&c.* in the form aforeſaid, *&c.* At which day the Parties come, *&c.* and the Sheriff ſent not the Writ, *&c.* Therefore as at firſt, it is commanded to the Sheriff, that he cauſe to come here from *Eaſter* day 15. dayes 12. *&c.* to Recognize in form aforeſaid, *&c.* at which day here come the Parties, *&c.* and the Sheriff ſent not the Writ, *&c.* Therefore as at firſt, it is commanded the Sheriff that he cauſe to come here in the morrow of the holy *Trinity* 12. *&c.* to Recognize in form aforeſaid, *&c.* At wch day the parties come here, *&c.* and the Sheriff ſent not the Writ, *&c.* Therefore as at firſt, it is commanded to the Sheriff, that he cauſe to come here in the morrow of Saint *Martin* 12. *&c.* to Recognize in form aforeſaid, *&c.* At which day the Parties come here, *&c.* and the Sheriff ſent not the Writ: Therefore it is commanded the Sheriff, that he cauſe to come in 8. days of Saint *Hillary* 12. *&c.* to Recognize in form aforeſaid; At which day the Parties come, and the Sheriff ſent not the Writ, (And ſo ſeveral *Venire Facias* were award to the Sheriff, from Term to Term, to return Jurors at a day, every of the ſaid Term; as at firſt, and the parties come at the ſaid dayes, and the Sheriff ſent not the Writ; as in the Rolls upon Record appeareth) And Proceſs was continued between the Parties aforeſaid, of the Plea aforeſaid by Jurors put in reſpite, untill this day, that is to ſay, in days of St. *Michael* in the year of the Reign of the Lady the Queen that now is, the 31. Unleſs the Juſtices of the Lady the Queen to Aſſizes in the County aforeſaid to be taken aſſigned by the form of the Statute, *&c.* upon *Wedneſday* the 27th of *June* at Eaſt *Greinſtead* in the County aforeſaid firſt ſhould come. And now at this day, as wel the aforeſaid *John Heyward*, as the aforeſaid *Thomas Bettiſworth* come by their Attorneys aforeſaid: And the aforeſaid Juſtices of Aſſizes before whom, *&c.* ſent here their Record in theſe words: Afterwards the day and place within contained, before *Robert Clarke* one of the Barons of the Lady the Queen of her Exchequer, and *John Puckering* one of the Serjeants at Law of the Queen, Juſtices of the ſaid Lady the Queen, to take Aſsizes in the County of *Suſſex* Aſſigned by the form of the Statute, *&c.* come as well the within named *John Hayward*, by *William Siday* his Attorney, as the within written *Thomas Bettiſworth* by *John Lyons* his Attorney, And the Jurors of the Jury whereof within mention is made, being called, ſome of them, that is to ſay, *Edward Pickham*, *William Ayles*, *Thomas Fetley*, *William Grevet*, *Edmond Gray*, *John Lock*, *John Capron*, and *John Andrew* appeared, and was ſworn Jurors in the ſaid Jury: And becauſe the reſt of that Jury did not appear, others of the ſtanders by choſen by the Sheriff, at the requeſt of the aforeſaid *Thomas Bettiſworth*, And by the command of the Juſtices aforeſaid, were new put to them, whoſe names to the Pan-

nel within written, are filed according to the form of the Statute in ſuch caſe of late made and provided: The names of which Jurors ſo put to, that is to ſay, *John Pitte*, *Thomas Bayley*, *William Leeſe*, and *Thomas Aglewyn* come; and to ſay the truth of the matter within contained, together with the Jurors firſt impannelled and ſworn, choſen, tryed, and ſworn, ſay upon their Oath, That one *John Bettiſworth* was ſeized in his Demeſn as of Fee, of and in the within written Meſſuage and Garden with the Appurtenances in *Iping* within written, whereof the within written place in which, *&c.* and at the within written time in which, as alſo time whereof the memory of man is not to the contrary, was parcel: And further the Jurors ſay upon their Oaths aforeſaid, that the aforeſaid place in which, *&c.* doth contain, and the aforeſaid time in which, *&c.* did contain in it ſelf, one Acre and half an Acre of Land, and called by the name of *Rainolds*, and is, and the aforeſaid time in which, *&c.* as alſo time whereof the memory of men is not to the contrary, was a ſeveral Cloſe by it ſelf ſeparately incloſed; and further the Jurors ſay upon their Oath, That the aforeſaid *John Bettiſworth* ſo thereof (as before is ſaid) being ſeized: Afterwards, that is to ſay, the 20th. day of *March*, in the year of the Reign of the Lady the Queen that now is the 11th. at *Iping* aforeſaid, By his Indenture within written, made between the aforeſaid *John Bettiſworth* of the one part, and the aforeſaid *John Hayward* of the other part, demiſed, granted, and to farm let to the aforeſaid *John Hayward*, the Tenements aforeſaid with the Appurtenances whereof, *&c.* To have and to hold the ſaid Tenements with the Appurtenances whereof, *&c.* to the aforeſaid *John Hayward*, and his Aſſigns, from the Feaſt of the bleſſed *Mary* the Virgin then next following, unto the end and term of 21. years then next following fully to be compleat and ended; Yielding and paying therefore yearly, to the aforeſaid *John Bettiſworth* and his Aſſigns 12.d. At the Feaſt of St. *Michael* the Archangel, or within 10. days next after the ſaid Feaſt. By vertue of which Demiſe, the ſaid *John Hayward* into the Tenents aforeſaid with the Apurtenances whereof, *&c.* entred, and was thereof poſſeſſed, the reverſion thereof to the aforeſaid *John Bitteſworth* and his Heirs expectant: And he the ſaid *John Heyward* of the Tenements aforeſaid with the Appurtenances whereof, *&c.* being poſſeſſed: and the aforeſaid *John Bettiſworth* of the Reverſion thereof, and of the Rent aforeſaid being ſeiſed in Demeſn as of Fee: The ſaid *John Bettiſworth* into the aforeſaid Cloſe, in which, *&c.* called *Rainolds* in the poſſeſſion of the ſaid *John Heyward* entred, and there immediatly after, ſealed and delivered as his Deed; a certain Deed, containing a Feoffment of the Tenements aforeſaid, with the Appurtenances whereof, to one *William Bettiſworth* his Heirs and Aſsigns for ever; And further, the Jurors ſay upon their Oath aforeſaid, that immediatly after the ſealing and delivery of the Deed of Feoffment aforeſaid, poſſeſſion and ſeiſin upon that Deed of Feoffment was given and delivered, by the aforeſaid *John Bettiſworth*, to the aforeſaid *William Bettiſworth*, in and upon the aforeſaid Cloſe called *Raynolds*, in which *&c.* neither the aforeſaid *John Hayward*, nor any other, at the ſaid time of the delivery of the ſaid poſſeſſion or ſeiſin, of the ſaid Cloſe being; By virtue whereof, the ſaid *William Bettiſworth*, into the Tenements aforeſaid with the Appurtenances, whereof, *&c.* entred, and thereof was ſeized, as the Law requireth. And the Jurors further ſay upon their Oath aforeſaid, That the

aforeſaid

aforeſaid *John Hayward*, at the time of the giving and delivery of the poſſeſſion and ſeiſin in the Cloſe aforeſaid, was in the Meſſuage and the Reſidue of the Tenements aforeſaid, by virtue of the Leaſe aforeſaid to him made, and that afterwards and before the time in which, &c. the aforeſaid *John Hayward* into the aforeſad Cloſe called *Raynolds*, with the Appurtenances in which, &c. re-entred, claiming the ſame Cloſe to the Leaſe aforeſaid, to him in form aforeſaid made; And further, the Jurors ſay, upon their Oath aforeſaid, That afterwards, & before the time in which, &c. that is to ſay, the 3d. day of *January*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 19th. the ſaid *John Bettiſworth*, at *Ipping* aforeſaid dyed, without iſſue of his Body begotten; And that the aforeſaid *Thomas Bettiſworth*, is his Brother & next Heir. But whether upon the whole matter aforeſaid, in form aforeſaid found, The poſſeſſion and ſeiſin in manner and form aforeſaid, given and delivered, of and in the aforeſaid Cloſe called *Raynolds*, in which, &c. be, or in Law ought to be adjudged a good and lawful poſſeſſion and ſeiſin of the aforeſaid cloſe called *Raynolds*, in which, &c. the Jurors are utterly ignorant, and thereof they pray the advice of the Juſtices here of the Lady the Queen, and if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the ſaid Juſtices of the Lady the Queen, That the aforeſaid poſſeſſion and ſeiſin, in form aforeſaid given and delivered, of and in the aforeſaid Cloſe called *Raynolds*, be, or in Law ought to be adjudged, a good and lawful poſſeſſion and ſeiſin, of the aforeſaid Cloſe called *Raynolds*, in which, &c. with the Appurtenances, &c. Then the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the ſaid *John Bettiſworth*, did not dye ſeized of the Reverſion of all the Tenements within written with their Appurtenances, &c. nor of the Rents within written ſeized, as the ſaid *John Hayward* within for him allegeth. And then they aſſeſſe damages of the ſaid *John Hayward*, for the occaſion within written, above his coſts and charges by him the ſaid *John Haward*, about his Sute expended to 4. pence, and for his coſts and charges to 2. pence. But if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the ſaid Juſtices of the ſaid Lady the Queen, That the aforeſaid poſſeſſion and ſeiſin, in form aforeſaid given and delivered, of and in the aforeſaid Cloſe called *Raynolds*, in which, be not, nor in Law ought to be adjudged a good and lawful poſſeſſion and ſeiſin, of the aforeſaid Cloſe called *Raynolds*, in which, &c. Then the Jurors ſay, upon their Oath aforeſaid, That the aforeſaid *John Bettiſworth* dyed of the Reverſion of the Tenements aforeſaid with the Appurtenances, whereof, and of the Rents aforeſaid ſeized, as the ſaid *Thomas Bettiſworth*, within for him allegeth. And then they aſſeſſe damages of the ſaid *Thomas Bettiſworth*, for the occaſion within written, above his coſts and charges mentioned about his Sute expended to 4. pence, and for his coſts and charges to 2. pence. And becauſe the juſtices here will aviſe themſelves of and upon the premiſes before they give their Judgement thereof, day is given to the parties aforeſaid, here until in 8. dayes of Saint *Hillary*, to hear their Judgement thereof, becauſe the Juſtices here thereof not yet, &c. At which day, here cometh as well the aforeſaid *John Hayward*, as the aforeſaid *Thomas Bettiſworth*, by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, further day is given to the parties aforeſaid, here

until from the day of *Easter* 15. dayes, to hear their Judgement thereof, because the Justices here thereof not yet, *&c.* At which day, here come as well the aforesaid *John Hayward*, as the said *Thomas Bettisworth*, by their Attornies aforesaid; And because the Justices here, will further avise themselves of upon the premises before they give their Judgement thereof, day further is given to the parties aforesaid, here until the Morrow of *Holy Trinity*, to hear their Judgement thereof, because the Justices here thereof not yet, *&c.* At which day here cometh as well the aforesaid *John John Hayward*, as the aforesaid *Thomas Bettisworth*, by their Attornies aforesaid; And because the Justices here will further avise themselves of and upon the premises, before they give their Judgement thereof, further day day is given to the parties aforesaid, here until in 8. dayes of Saint *Michael*, to hear their Judgement thereof, because the same Justices here thereof not yet, *&c.* At which day, here cometh as well the said *John Hayward*, as the aforesaid *Thomas Bettisworth*, by their Attornies aforesaid; And because the Justices here will further avise themselves of and upon the premises before they give their Judgement thereof, day further is given to the parties aforesaid, here until in 8. dayes of Saint *Hillary*, to hear their Judgement thereof, because the same Justices here thereof not yet, *&c.* At which day, here cometh as well the aforesaid *John Hayward*, as the aforesaid *Thomas Bettisworth*, by their Attornies aforesaid; And because the Justices here, will further avise themselves of and upon the premises before they give their Judgement thereof, further day is given to parties aforesaid, here until from the day of *Easter* 15. dayes, to hear their Judgement thereof, because the same Justices here thereof not yet, *&c.* At which day here cometh as well the aforesaid *John Hayward*, as the aforesaid *Thomas Bettisworth*, by their Attornies aforesaid; And because the Justices here will further avise themselves of and upon the premises, before they give their Judgement thereof, day further is given to the parties aforesaid here until the Morrow of *Holy Trinity*, to hear their Judgement thereof, because the same Justices here thereof not yet, *&c.* At which day, here cometh as well the aforesaid *John*, as the aforesaid *Thomas*, by their Attornies aforesaid, and upon this, The premises being seen, and by the Justices here fully understood, It is granted that the aforesaid *John*, take nothing by his Writ aforesaid, but be in mercy for his false clamour, *&c.* And the aforesaid *Thomas* go thereof without day, *&c.* And that he have return of the Cattel aforesaid to be kept by him irreplegible for ever. And how, *&c.* The Sheriff make it here appear in 8. dayes of Saint *Michael*, *&c.* It is also granted, That the aforesaid *Thomas* recover against the said *John*, his damages aforesaid by the Jurors in form aforesaid assessed, as also 11. pound, and 9. shillings, and 6. pence, to the said *Thomas* at his request, for his costs and charges aforesaid, by the Court here of encrease adjudged which damages, in the whole do amount to 12. pound.

REPLEVIN.

Michaelmaſs Term, Anno 27. and 28. *Eliz. Rot* 1739. in the *COMMON PLEAS*, Co. 4. part, *Bevils* Caſe. fol. 6. *a.* *Cornwal.*

Nicholas Francis, was Attached by the Writ of the Lady the Queen of Second Deliverance, to anſwer to *Walter Parker* of a Plea, wherefore he took the Cattel of him the ſaid *Walter*, and them unjuſtly detained againſt Gages and Pleges, *&c.* And whereupon, the ſaid *Walter*, by *Francis Eyrman*, by his Attorny complaineth, That the aforeſaid *Nicholas*, the 30th. day of *October*, in the yeer of the Reign of the Lady the Lady the Queen that now is the 15th. at *Tallan*, in a certain place called *Newton*, took the Cattel, that is to ſay, Two Oxen of him the ſaid *Walter*, and them unjuſtly deteined againſt Gages and Pledges, until, *&c.* whereupon he ſaith that he is the worſe, and hath damage to the value of 20. pound, And thereof he bringeth Sute, *&c.* And the aforeſaid *Nicholas*, by *William Leigh* his Attorny, cometh and defendeth the force and injury when, *&c.* And as Bayliff of *John Bevill Eſquire*, doth well acknowledge the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* And juſtly, *&c.* Becauſe he ſaith, That the ſame place called *Newton*, in which it is ſuppoſed the taking of the Cattel aforeſaid to be done, doth contain, and the time of the taking of the Cattel aforeſaid ſuppoſed to be done, did contain in it ſelf 20. Acres of Land with the Appurtenances, in *Tallon* aforeſaid, and that long before the aforeſaid time in which, *&c.* One *Robert Smith*, the Elder *Eſquire*, was ſeized of the ſaid 20. Acres of Land with the Appurtenances, in his demeſn as of Fee, and held the ſaid 20. Acres of Land with the Appurtenances, of the aforeſaid *John Bevill*, as of his Manor of *Keligath*, in the County aforeſaid, by Knights Service, that is to ſay, by Homage, Fealty, and Eſcuage to the Lady the Queen, when it ſhould happen 42. ſhillings; And when more, more, and when leſſe, leſſe, and alſo by the Service of doing Sute at the Court of him the ſaid *John* at his Manor aforeſaid twice by the yeer, that is to ſay, once within a Moneth next after the Feaſt of Saint *Michael* the Archangel, and again, within a Moneth next after the Feaſt of *Eaſter* every yeer, at that Manor holden, of which Services, the aforeſaid *John Bevill*, was ſeized by the Hands of the aforeſaid *Robert Smith* the Elder, as by the Hands of his very Tenant, that is to ſay, of the Homage, Fealty, Eſcuage, and Sute of Court, as of his Fee and Right; And that afterwards, the aforeſaid *Robert Smith* the Elder, dyed of the aforeſaid 20. Acres of Land with the Appurtenances ſeized, After whoſe death, the aforeſaid 20. Acres of Land with their Appurtenances, diſcended to one *Robert Smith*, Son and Heir of the aforeſaid *Robert Smith*: By which the ſaid *Robert Smith* the Son, before the time in which, *&c.* in the aforeſaid 20. Acres of Land with the Appurtenances entred, and was thereof ſeized in his demeſn as of Fee; And becauſe the Homage of the aforeſaid *Robert* the Son, the aforeſaid time in which, *&c.* to the aforeſaid

John Bevill behinde not done, the ſaid *Nicholas* as Bayliff of the ſaid *John Bevill*, doth well avow the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* And juſtly, *&c.* for that Homage ſo undone, in the Lands of the ſaid *John*, in form aforeſaid holden, *&c.* And upon the aforeſaid *Robert* the Son, as upon the very Tenant of the aforeſaid *John Bevill*, and within his Fee and Lordſhip. And the aforeſaid *Walter* ſaith, That long before the ſaid time of the taking of the Cattel aforeſaid done, The ſaid *Robert Smith* was ſeized of the aforeſaid 20. Acres of Land with the Appurtenances, in *Tallon* aforeſaid, called *Newton*, in his demeſn as of Fee, And ſo thereof being ſeized, before the time of the taking aforeſaid done, that is to ſay, the 24th. day of *January*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 13th. at *Tallon* aforeſaid, Leaſed the aforeſaid 20 Acres of Land with the Appurtenances, to him the ſaid *Walter*, To have to the ſaid *Walter* & his Aſſigns, from the aforeſaid 24th. day of *January*, in the yeer aforeſ. unto the end of the Term of 5. yeers then next following, to be compleat and ended; By virtue of which Leaſe, the ſaid *Walter* into the aforeſaid 20. Acres of Land with the Appurtenances entred, and was, and yet is thereof poſſeſſed, the Reverſion thereof after the Term aforeſaid ended, to the aforeſaid *Robert Smith* the Son, and his Heirs expectant; Without which *Robert* the Son, the ſaid *Walter* cannot anſwer to the avowry aforeſaid, of the ſaid *Nicholas*, nor the Plea thereof bring into Judgement. And prayes aid of the aforeſaid *Robert Smith* the Son, who is preſent here in Court in his proper perſon, and willingly joynes himſelf in aid againſt the aforeſaid *Nicholas*, in the Plea aforeſaid, *&c.* And upon this, as well the ſaid *Walter*, as the aforeſaid *Robert Smith* the Son, who, *&c.* ſay that the aforeſaid *Nicholas*, for the reaſon before alleged, ought not avow the taking of the Cattel aforeſaid, to have been juſt; For by Proteſtation, that the aforeſaid *Robert Smith* the Son, did not hold the aforeſaid 20. Acres of Land with the Appurtenances called *Newton*, in *Tallon* aforeſaid, of the aforeſaid *J. Bevill*, as of his Manor of *Keligath*, by Knights Service, that is to ſay, by Homage, Fealty, and Eſcuage, to the Lady the Queen, when it ſhould happen 42. ſhillings, and to more, more, and leſs, leſs, *&c.* As alſo by the Service of doing Sute at the Court of the ſaid *John Bevill*, of his Manor aforeſaid twice by the yeer, that is to ſay, once within one Moneth after the Feaſt of St. *Michael* the Archangel, and again within one Moneth after the Feaſt of *Eaſter*, every yeer, at that Manor to be holden, as the aforeſaid *Nich.* above hath alleged; For Plea he ſaith, That the aforeſaid *John Bevil* never was ſeized of the aforeſaid Services, as the ſaid *Nicholas* above hath alleged, And this they are ready to aver, Wherefore in as much as the ſaid *Nicholas* above acknowledgeth the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* the ſaid *Walter*, and the aforeſaid *Robert*, who, *&c.* demand Judgement and their damages, by the occaſion of the taking, and unjuſt detaining of the Cattel aforeſaid, to the ſaid *Walter* to be adjudged; And the aforeſaid *Nicholas*, as at firſt ſaith, That the aforeſaid *John Bevill*, was ſeized of the aforeſaid Services, by the Hands of the aforeſaid *Robert Smith* the Father, as by the Hand of his very Tenant, as he above alleged; And of this puts himſelf upon the Country, and the aforeſaid *Walter*, and the aforeſaid *Robert Smith* the Son, who, *&c.* likewiſe; Therefore it is commanded to the Sheriff, that he cauſe to be here from the day Saint *Martin* 15. dayes, 12. *&c.* by whom, &c. and who neither, &c. to Recognize, &c. Becauſe as well, &c. Proceſſe againſt the Jurors, to

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try the iſſue aforeſaid, is conteined until 15. of *Eaſter*, in the 19th. yeer of Queen *Elizabeth*, unleſs the Juſtices to Aſſizes, in the County aforeſaid to be taken aſſigned, by the form of the Statute, *&c.* Upon *Monday*, in the 5th. Week of *Lent*, the ſaid 19th. yeer firſt come, At which Aſſizes, the Verdict was given as followeth. The Jurors ſay upon their Oath, That the within named *John Smith* the Father, held the Tenements aforeſaid with the Appurtenances, called *Newton*, of the within named *John Bevill*, as of the within written Manor of *Keligath*, by Knights Service within written; And that the ſaid *John Bevill*, was ſeized of the Fealty and Sute of Court, only parcel of the Services within written, by the Hands of the aforeſaid *Robert Smith* the Father, as by the Hands of his very Tenant. But whether the aforeſaid ſeiſin of Fealty, and Sute of Court aforeſaid, be a good and ſufficient ſeiſin of the whole Services within written, or not, the Jurors are altogether ignorant: And pray thereof the advice and diſcretion of the Juſtices aforeſaid. And if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the ſame Juſtices, That the aforeſaid ſeiſin of Fealty, and Sute of Court, be not a good and ſufficient ſeiſin of the whole Services aforeſaid, Then the Jurors ſay upon their Oath, That the aforeſaid *John Bevill* was not ſeized of the within written Services, by the Hands of the aforeſaid *Robert Smith* the Father, as by the Hand of his very Tenant, as the ſaid *Walter* within alleged; And then they aſſeſs the damages of him the ſaid *Walter*, by occaſion of the taking, and unjuſt detaining of the Cattel aforeſaid, beſides his coſts and charge by him about his Sute in this behalf expended to 12. pence, and for his coſts and charges to 40. ſhillings. And if upon the whole matter aforeſaid, it ſhall ſeem to the Juſtices, That the ſaid ſeiſin of Fealty, and Sute of Court aforeſaid, be a good and ſufficient ſeiſin of the whole Services within written, Then the ſaid Jurors ſay upon their Oath aforeſaid, That the ſaid *John Bevill* was ſeized of the Services within written, by the Hands of the aforeſaid *Robert Smith* the Father, as by the Hands of his very Tenant, as the aforeſaid *Nicholas* within alleged. And then they aſſeſs the damages of the ſaid *Nicholas*, by occaſion of the premiſes, beſides his coſts and charges by him about his Sute in this behalf expended to 12. pence, and for his coſts and charges to 40. ſhillings. And becauſe the Juſtices here will aviſe themſelves of upon the premiſes before they give their Judgement thereof, day is given to the parties here, until in the Morrow of the *Holy Trinity*, to hear their Judgement thereof, becauſe the Juſtices here thereof not yet, *&c.* And ſo the Plea aforeſaid, was continued until the Morrow of the *Holy Trinity*, in the 25th. yeer of Queen *Elizabeth*, which day Judgement was given as followeth. At which day, here cometh as well the aforeſaid *Walter Parker*, by his Attorny aforeſaid, as the aforeſaid *Nicholas Francis*, by *William Ayleſbury* his Attorny. And upon this, The premiſes being ſeen, and by the Juſtices here fully underſtood, It ſeemeth to the Juſtices here, That the aforeſaid ſeiſin of Fealty, and Sute of Court aforeſaid, is a good and ſufficient ſeiſin of the whole Services aforeſaid; Therefore it is granted, That the aforeſaid *William Parker*, take nothing by his Writ aforeſaid, but be in mercy for his falſe clamour. And t he aforeſaid *Nicholas Francis*, thereof go without day, and that he have Retorn of his Cattel aforeſaid, to be kept by him irreplegible for ever, *&c.* It is alſo granted, That the aforeſaid *Nicholas Francis* recover againſt the aforeſaid *Walter Parker*, his damages aforeſaid to 41. ſhillings, by the Jurors in form aforeſaid aſſeſſed, as

alſo 13. pound to the ſaid *Nicholas*, at his requeſt for his coſts and charges aforeſaid, by the Court here of Encreaſe adjudged, which damages in the whole do amount to 15. pound, 1. ſhilling, *&c.*

REPLEVIN.

Salop. *Trinity Term*, Anno 7mo. JACOBI, *Rot.* 3661. in the *COMMON-PLEAS*, Co. 8. part,

John Talbotts Caſe.

IOhn Pendleton, was attached by the Writ of the Lady the Queen of ſecond deliverance, to anſwer to *John Chapman* of a Plea, wherefore he took the Cattel of him the ſaid *John Chapman*, and them unjuſtly deteined againſt Gages, and Pledges, *&c.* And whereupon, The ſaid *John Chapman*, by *Thomas Salter* his Attorney complaineth, That the aforeſaid *John Pendleton* the ſecond day of *September*, in the yeer of the Lord the King that now is of *England*, *&c.* the 6th. at *Albrighton*, in a certain place, called *Bromly* took his Cattel, that is to ſay, two Bullocks of the ſaid *John Chapman*, and them unjuſtly deteined againſt Gages, and Pledges untill, *&c.* whereupon he ſaith, that he is the worſe, and hath damage to the value of 20. pound, and thereof he bringeth ſute, *&c.* And the aforeſaid *Iohn Pendleton*, by *Nicholas Gibbens* his Attorny cometh, and defendeth the force and injury when, *&c.* and as Bayliff of *Jo. Talbot* Eſquire, doth well avow the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* and juſtly, *&c.* Becauſe he ſaith, That the place in which it is ſuppoſed the taking aforeſaid to be done, doth contein, and at the time of the taking thereof above ſuppoſed to be done, did contein in it ſelf 3. Acres of Paſture, lying in the aforeſaid field, called *Bromley* in *Albrighton* aforeſaid; and that long before the taking of the Cattel aforeſaid ſuppoſed to be done, One *John Chapman* Father of the now Plaintiff, was ſeiſed of the aforeſaid 3. Acres of Paſture, with the appurtenances in which, *&c.* in his demeſn as of Fee, and the ſaid 3. Acres of Paſture, with the appurtenances in which, *&c.* held of the aforeſaid *John*, as of his Manor of *Albrighton* in the County aforeſaid, by Fealty and the Service of doing ſute, at the Court of the ſaid *John Talbot*, of his Manor aforeſaid, from 3. weeks, to 3. weeks, at that Manor to be holden. As alſo by the ſervice of rendring after the death of every Tenant of the ſaid 3. Acres of Paſture, with the appurtenances in which, *&c.* dying thereof ſeiſed, the beſt Beaſt which ſhould be of ſuch Tenant, at the time of his death, in the name of a Heriot; of which ſervices the aforeſaid *John Talbot*, was ſeiſed by the hands of the aforeſaid *John Chapman* the Father, as by the hands of his very Tenant, that is to ſay, of the Fealty and ſute of Court aforeſaid, as of Fee and right, and of the Heriot aforeſaid, in his demeſn as of Fee. And the ſaid *John Chapman* the Father of the three Acres of Paſture, with the appurtenances in which, *&c.* in his demeſn as of Fee in form aforeſaid being ſeiſed, afterwards, and before the time in which, *&c.* At *Albrighton* aforeſaid, of ſuch his Eſtate dyed thereof ſo ſeiſed. And the ſaid *John Pendleton* further ſaith, That the aforeſaid *John Chapman*,

Chapman the Father, at the time of his death, at *Albrighton* aforeſaid, was poſſeſſed of an Ox, of the price of 100 ſhillings as his proper Ox, which Ox was the beſt Beaſt of the aforeſaid *Iohn Capman* the Father, at the time of his death, whereupon ſell the Heriot thereof to the aforeſaid *Iohn*; and becauſe the Heriot aforeſaid, after the death of the aforeſaid *Iohn Chapman* the Father the ſaid time in which, *&c.* was behind not delivered, the ſaid ſaid *Iohn Pendleton*, as Bayliff of the aforeſaid *Iohn Talbot*, doth well avow the taking of the Cattel aforeſaid, in the aforeſaid place in which, *&c.* and juſtly, *&c.* for the Heriot aforeſaid not delivered, as within his Fee and Lordſhip, *&c.* And the ſaid *Iohn Chapman* now Plaintiff ſaith, That the aforeſaid *Iohn Pendleton*, as Bayliff of the aforeſaid *Iohn Talbot*, in the cauſe above before alleged, ought not avow the taking of the Cattel aforeſaid to be juſt, Becauſe he ſaith, That long before the aforeſaid time of the taking aforeſaid done, and before the aforeſaid *Iohn Chapman* the Father, had any thing in the ſaid 3. Acres of Paſture, with the appurtenances in which, *&c.* One *Iohn Barny* was ſeiſed of a Meſſuage, and of half a Yard Land of Meadow, and Paſture, with the appurtenances, conteining by eſtimation, 50. Acres in *Albrighton* aforeſaid, whereof the ſaid 3. Acres of Paſture, with their appurtenances in which, *&c.* were parcel in his demeſn as of Fee, and the ſaid Meſſuage, and one half Yard of Land, Meadow, and Paſture wholy, with the appurtenances whereof, &c. held of the aforeſaid *Iohn Talbot*, as of his Manor of *Albrighton* aforeſaid by Fealty, and doing ſute at the Court of the ſaid *Iohn Talbot* of his Manor aforeſaid, from 3. weeks, to 3. weeks, at that Manor yearly to be holden, as alſo by the ſervice of rendring after the death of every Tenant of the ſaid Meſſuage, and half Yard Land of Meadow and Paſture wholy with the appurtenances whereof, *&c.* dying thereof ſeiſed, the beſt Beaſt that was to ſuch Tenant, at the time of his death in the name of a Heriot. And the ſaid *Iohn Barny* of the Meſſuage, and half Yard Land, of ſuch Meadow and Paſture, with the appurtenances, wholly in form aforeſaid, being ſeiſed long before the time of the taking, *&c.* that is to ſay, the firſt day of *May*, in the yeer of the Reign of the Lady the Queen that now is the 32th. of the ſaid 3. Acres of Land, parcel of the aforeſaid half Yard Land of Land, Meadow, and Paſture, with the appurtenances whereof enfeoffed the aforeſaid, *Iohn Talbot*, To have and to hold to the ſaid *Iohn Talbot*, his Heirs and Aſſigns for ever. By vertue of which Feoffment, the aforeſaid *Iohn Talbot* was, and yet is ſeiſed of the aforeſaid 3. Acres of Lands parcel, *&c.* in his demeſn as of Fee; and he the ſaid *Iohn* ſo being thereof ſeiſed, and the aforeſaid *Iohn Barny* of the Meſſuage aforeſaid, and the reſt of the aforeſaid half Yard-Land, of Meadow and Paſture, with the Appurtenances whereof, *&c.* in form aforeſaid being ſeiſed, The ſaid *Iohn Barny* afterwards, and before the time of the taking aforeſaid done, that is to ſay, the firſt day of *May*, in the yeer of the Reign of the ſaid Lady the Queen that now is, the 36th. of the aforeſaid 3. Acres of Paſture with the appurtenances in which, *&c.* Enfeoffed, the aforeſaid *Iohn Ccapman* the Father, and his Heirs for ever; By virtue of which Feoffment, the ſaid *Iohn Chapman* the Father, was ſeiſed of the ſaid 3. Acres of Paſture with the appurtenances in which, *&c.* in his demeſn as of Fee, and ſo thereof being ſeiſed, the ſaid *Iohn Chapman* the Father after, and before the time of the taking, *&c.* At *Albrighton* aforeſaid, of ſuch his Eſtate of, and in the ſame 3. Acres of Paſture, with the appurtenances in which, *&c.* dyed thereof ſeiſed, after whoſe death, the ſaid 3. Acres of

Paſture with their appurtenances in which, &c. diſcended to the ſaid *Iohn Chapman* now Plaintiff, as Son and Heir of the ſaid *Iohn Chapman* the Father: By which the ſaid *Iohn Chapman* now Plaintiff, into the 3. Acres of Paſture, with the appurtenances in which, &c. entred, and was, and yet is thereof ſeiſed in his demeſn as of Fee; and ſo thereof being ſeiſed, The ſaid *Iohn Chapman* the now Plaintiff, before the time of the taking, &c. put his Cattel into the aforeſaid Place in which, &c. to eat the Graſs in the ſame then growing, as it was lawful for him to do, which Cattell were in the place aforeſaid, in which eating the Graſs there growing, untill the ſaid *Iohn Pendleton*, the aforeſaid ſecond day of *September*, in the yeer of the Reign of the Lord the King that now is, the 6th. aboveſaid, at *Albrighton* aforeſaid, in the aforeſ. place, called *Bromley VVake*, the Cattel of him the ſaid *Io. Chapman* aforeſaid, & them unjuſtly deteined againſt Gages and Pledges untill, &c. as he above againſt him complaineth; & this he is ready to aver, wherefore in as much as the aforeſaid *Iohn Pendleton* the taking of the Cattel aforeſaid, in the aforeſaid place in which, &c. to Barr, and that he to that Plea in manner and form aforeſaid pleaded needeth not, nor by the Law of the Land, is bound to anſwer, wherefore, for want of a ſufficient Plea in Barr, in this behalf the ſaid *Iohn Pendleton*, demands Judgement, and Return of the Cattle aforeſaid, together with his damages to be adjudged unto him; And the aforeſaid *Iohn Chapman* now Plaintiff, in as much as he ſufficient matter in Law, to Bar the aforeſaid *Iohn Pendleton*, from juſtly avowing the taking of the Cattel aforeſaid, in the place in which, &c. above hath alleged, which he is ready to averr, which matter the aforeſaid *Iohn Pendleton*, doth not deny, nor to the ſame any wayes anſwereth, but refuſe to admit the ſame averment, as at firſt demandeth Judgement, and his damages by the occaſion of the taking, and unjuſt deteining of the ſame Cattel to be to him adjudged, &c. And becauſe the Juſtices here, will aviſe themſelves of and upon the premiſes, before they give their Judgement thereof; Day is given to the parties, &c.

REPLEVIN.

Trinity Term, Anno 6to. *of King* James *Rot.* 1611. *in the* COMMON-PLEAS, C. 9. part *Henry Conneys* Caſe.

B*Artholmew Colpit*, was ſummoned to anſwer to *Iohn Crane* of a Plea, wherefore he took the Cattel of the ſaid *Iohn*, and them deteined againſt Gages and Pledges; and whereupon, The ſaid *Iohn*, by *Thomas Ganton* his Attorney complaineth, that the aforeſaid *Bartholmew* the 19th. day of *October*, in the yeer of the Reign of the Lord the King that now is, the 5th. at *Fidde* St *Giles*, in a certain place there conteining in it, two Acres of Paſture the Cattel, that is to ſay, 3. Steers of the ſaid *Iohn*, &c. & them unjuſtly deteined againſt Gages & Pledges untill, &c. whereupon he ſaith, he is the worſe, and hath damage to the value of 20. pound; and thereof bringeth ſnte, &c. And the aforeſaid *Bartholmew*, by *William Dany* his Attorney cometh and defendeth the force and injury, &c. and as Bayliff to *Iohn Welby* Eſquire, doth well acknowledge the taking of the Cattel aforeſaid, in the place

place in which, &c. and juſtly, &c. Becauſe he ſaith, that the ſaid place, in which it is ſuppoſed the taking of the Cattel aforeſaid to be done doth contein, & aforeſaid time in which it is ſuppoſed, the aforeſaid taking to be done, did contein in it ſelf, 2. Acres of Paſture with the appurtenances, in *Fidde* Saint *Giles* aforeſaid, lying there in a certain Field, called *South graſſfield*, neer the Lands foot, of *Richard Welby* Gent. ſometimes *Richard Delaland* on the part of the North, and the Kirkland on the part of the Weſt; and that one *Henry Conny* Eſquire before the time, in which was ſeiſed of the aforeſaid 2. Acres of Paſture with the Appurtenances in which, *&c.* in his demeſn as of Fee, and held the ſame of one *William Stermin* Eſquire, as of his Manor of *Richards*, with the Appurtenances, in *Tidde* St. *Giles* aforeſaid, by Fealty, and the Rent of 13d. yeerly, at the Feaſt of Saint *Michael* the *Archangel* to be paid, as alſo by the Service of doing Sute at the Court of the ſaid *William Stermin* of his Manor aforeſaid, from 3. weeks, to 3. weeks, upon ſeaſonable warning at the Manor aforeſaid to be holden: Of which Services the ſaid *William Stermin*, was ſeiſed by the hands of the aforeſaid *Henry Conny*, as by the hands of his very Tenant, that is to ſay, Of the Fealty and Sute of Court aforeſaid, as of Fee and Right, and of the Rent aforeſaid, in his demeſn as of Fee, Of which Manor with the Appurtenances, the aforeſaid *William Stermin* was ſeiſed in his demeſn as of Fee, and ſo thereof being ſeiſed, the aforeſaid *William Stermin*, before the time in which, *&c.* Of the aforeſaid Manor with the Appurtenances, the aforeſaid *John Welby* enfeoffed. To have and to hold to the ſaid *Joh. Welby*, his Heirs & Aſſigns for ever. To which Feoffment by the aforeſaid *William Stermin* to the aforeſaid *John Welby* in form aforeſaid made, the aforeſaid *Henry Conny* afterwards, and before the time in which, *&c.* that is to ſay, the firſt day of *November*, in the yeer of the Reign of Lord the King that now is the firſt then, of the aforeſaid two Acres of Lands, with the Appurtenances in form aforeſaid being ſeiſed at *Fidde* St. *Giles* aforeſaid attorned: By colour of which Feoffment and attorment aforeſaid. The ſaid *John Welby* was, and yet is ſeiſed of the Manor aforeſaid, with the Appurtenances in his demeſn as of Fee; and becauſe 40. ſhillings, and 4 pence, of the Rent aforeſaid, for 4. whole yeers, was at the Feaſt of St. *Michael* the *Archangel*, in the yeer of the Reign of the Lord the King that now is the 5th. and after the Attornment aforeſaid, in form aforeſaid had, to the aforeſaid *John Welby*, the aforeſaid time in which, *&c.* behind, not paid, The ſaid *Bartholmew* as Bayliff of the aforeſa. *Jo. Welby*, doth well acknowledge the taking of the Cattel aforeſaid, in the aforeſaid place in which, for the aforeſaid 4. ſhillings, and 4. pence, of the Rent aforeſaid, ſo being behind, and juſtly, *&c.* as within his Fee and Lordſhip. And the aforeſaid *John Crane* ſaith, That the aforeſaid *Bartholmew*, as Bayliff of the ſaid *John Welby*, for the cauſe above alleged, the taking of the Cattel aforeſaid, in the aforeſaid place in which, ought not avow to be juſt, Becauſe by Proteſtation, that the aforeſaid *Henry Conny*, held not the aforeſaid 2. Acres of Land with the Appurtenances, of the aforeſaid *William Stermin*, as of his Manor of *Richards* aforeſaid, by Fealty and the Rent of 13. pence, for every yeer at the Feaſt of Saint *Michael* to be paid, as alſo by the Service of doing Sute at the Court of the ſaid *Willliam Stermin*, of his Manor aforeſaid, from 3. Weeks to 3. Weeks, upon reaſonable warning, at that Manor to be holden, as the ſaid *Bartholmew* above hath alleged. And for Plea he ſaith, That the aforeſaid *Henry*, before the time of the taking aforeſaid done, & at the time of the taking, *&c.*

was,& yet is ſeized,of the aforeſaid 2.Acres of Paſture with their Appurte.in his demeſnas of Fee, & held the ſame of *Martin* by Divine Providence,then Biſhop of *Ely*, as of his Manor of *Fidde* St. *Giles*,with the Appurtenances, in *Fiddy* Saint *Giles* aforeſaid, by Fealty only for all Services ; Without that, that the aforeſaid *Henry*, at *Fidde* Saint *Giles* aforeſaid,to the aforeſaid *John Welby* attorned Tenant,in manner and form, as the ſaid *Bartholmew* above hath alleged. And this he is ready to aver, Wherefore for as much as the aforeſaid *Bartholmew*, the taking of the Cattel aforeſaid, in the aforeſaid place in which,*&c.*above acknowledgeth. The ſaid *John* demandeth Judgement and his damages, by the occaſion of taking of the ſaid Cattel to be to him adjudged, *&c.* And the aforeſaid *Bartholmew*, as at firſt ſaith, That the ſaid *Henry*, did attorn Tenant to the aforeſaid *John Welby*, in manner and form, as the ſaid *Bartholmew* above hath alleged. And of this puts himſelf upon the Country, and the ſaid *John* likewiſe ; Therefore it is commanded to the Sheriff, that he cauſe to come here from the day of the *Holy Trinity*,in 3. Weeks 12. *&c.* By whom, *&c.* And who neither, *&c.* Becauſe as well, *&c.* And afterwards, the day and place within conteined, before *Edward Coke Knight*, Chief Juſtice of the Lord the King of the Bench, and *William Daniel Knight*, one of the Juſtices of the Lord the King of the Bench aforeſaid, Juſtices of the ſaid Lord the King to Aſſizes, in the County of *Cambridge* to be taken aſſigned, by the form of the Statute, *&c.* this turn aſſociated,(the preſence of the aforeſaid *William Daniel* not expected,) by virtue of the Writ of the ſaid Lord the King of *&c.* came as well the within named *John Crane*, as the within written *Bartholmew Colpit*, by their Attornies within conteined. And the Jurors of the Jury, whereof within mention is made, being called, come, who to ſay the truth of the within conteined, choſen, tryed,and ſworn,ſay upon their Oath, That the within named *Henry Conny*, before the time within written, in which, *&c.* was ſeized of the within writtten 2. Acres of Paſture with the Appurtenances, in which, *&c.* in his demeſn as of Fee, by diſcent from his Father ; And that the ſaid *Henry*, the ſaid 2. Acres of Paſture with the Appurtenances, held of the within named *VVilliam Stermin*, as of his Manor of *Richards* with the Appurtenances in *Fidde* St. *Giles* within written by Fealty, and the Rent of 13. pence, at the Feaſt of Saint *Michael* the *Archangel* to be paid, as alſo by the ſervice of doing Sute at the Court of him the ſaid *VVilliam Stermin* of his Manor aforeſaid, from 3. weeks, to 3. weeks, upon reaſonable warning, at the Manor aforeſaid, yeerly to be holden ; and that of the ſervices aforeſaid, the ſaid *VVilliam Stermin*, was ſeiſed by the hands of the aforeſaid *Henry Conny*, as by the hands of his very Tenant, that is to ſay, of the Fealty and Sute of the Court aforeſaid, as of Fee and Right ; and of the Rent aforeſaid, in his demeſn as of Fee, as the aforeſaid *Bartholmew* within hath alleged ; And further, the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the aforeſaid *William Stermin*, of the Manor aforeſaid with the Appurtenances, was ſeized in his demeſn as of Fee, And ſo thereof being ſeized, The ſaid *William Stermin*, before the within written time in which, *&c.* of the ſaid Manor with the Appurtenances, enfeoffed the within named *John Welby*, To have, and to hold to the ſaid *John Welby*, his Heis and Aſſigns for ever. And that the aforeſaid *Henry Conny*, being of the Age of 20. and within the Age of 21. yeers, at the aforeſaid Feoffment, by the ſaid *William Stermin*, to the aforeſaid *John VVelby*,

Welby, in form aforeſaid made, of the aforeſaid 2. Acres of Paſture with the Appurtenances, in form aforeſaid being ſeized, at *Fidde* Saint *Giles* aforeſaid agreed, and the payment of the Rent aforeſaid, to the aforeſaid *John Welby* promiſed. And if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the Court here, That the agreement of the aforeſaid *Henry Conny*, to the Feoffment aforeſaid, and his promiſe of the payment of the Rent aforeſaid, ſo as before is ſaid, by him the ſaid *Henry Conny*, he being within the Age of 21. yeers, are an Attornment; Then the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the aforeſaid *Henry* did Attorn Tenant to the aforeſaid *John Welby*, in manner and form, as the aforeſaid *Bartholmew Colpit* within hath alleged; And if upon the whole matter aforeſaid, by the Jurors in form aforeſaid found, it ſhall ſeem to the Court, That the Agreement of the ſaid *Henry Conny*, to the Feoffment aforeſaid, and his promiſe aforeſaid, of payment of the Rent aforeſaid, ſo as before is ſaid, by him the ſaid *Henry*, being within the age of 21. yeers, be not an Attornment. Then the Jurors ſay upon their Oath aforeſaid, That the ſaid *Henry Conny*, did not Attorn Tenant to the aforeſaid *John Welby*, as the aforeſaid *John Crane* in pleading hath alleged, and then they aſſeſſe the damages of the ſaid *John*, by occaſion within written, beſides his coſts and charges by him about his Sute expended to 12. pence, and for his coſts and charges to 5. ſhillings. Therefore, *&c.*

RESTITUTION.

Trinity Term, Anno 13. JACOBI, *Rot.* 23. in the *KINGS-BENCH*, C. 11. part, *James Bagges* Caſe. fol. 93. *a.*

JAMES by the Grace of God, of *England*, *Scotland*, *France* and *Ireland* King, Defender of the Faith, *&c.* To the Mayor and Cominalty of the Borough of *Plymouth*, in the County of *Devon* greeting, *&c.* Whereas, *James Bagg*, one of the 12. Chief Burgeſſes, or Magiſtrates of the Borough aforeſaid, according to the cuſtom of the Borough aforeſaid, hithereto uſed, was duly choſen and made. And whereas the ſame *James*, in the Office in of the 12. Chief Burgeſſes or Magiſtrates of the Borough aforeſaid, a long time carried, and well governed himſelf; Yet you the Mayor and Cominalty of the Borough aforeſaid, little regarding the aforeſaid *Iames*, unduly and without reaſonable cauſe, from the Office of one of the 12. Chief Burgeſſes and Magiſtrates of the Borough aforeſaid, unjuſtly, and have amoved, in contempt of us, and to the no little damage and grievance of him the ſaid *Iames*, and the hurt of his Eſtate, as we by his complaint have underſtood; We therefore to the ſaid *Iames*, willing, due, and ſpeedy Juſtice to be done in this behalf, as is juſt, command you, and every of you, as before time we have you commanded, firmly enjoying you, That immediatly after the Receipt of this Writ, the aforeſaid *Iames*, in the aforeſaid Office of one of the 12. Chief Burgeſſes or Magiſtrates of the Borough aforeſaid you reſtore, with all the Liberties, Privileges, and

Commodities, to the Office aforeſaid, belonging and apperteining, Or that you ſignifie the cauſe thereof unto us, leaſt in your default, complaint, thereof again to us come; And how this our Writ ſhall be executed to us, from the day of *Holy Trinity*, in three Weeks, whereſoever we ſhall be *England*, you make it to appear under the penalty of 40. pound, this our Writ then ſending back, *&c.* Witneſſe *E. Coke*, at *Weſtminſter* the 12th. day of *June*, in the yeer of our Reign of *England*, *France*, and *Ireland* the 13th. and of *Scotland* the 48th. By the Term of *Trinity*, *Anno* 130. *Jac.* King *JAMES*, *Rot.* 23. Execution of this Writ doth appear in a certan Schedule to this Writ annexed, *John Clement* Mayor, The Anſwer of the Mayor and Cominalty of the Borough of *Plymouth* to the Writ, to this Schedule annexed, According to the command of the Writ aforeſaid, To the Lord the King we moſt humbly certifie, That the Lady *Elizabeth* late Queen of *England*, by her Letters Patents with the great Seal of *England* ſealed, bearing date at *Weſtminſter*, the 28th. day of *February*, in the 43th. yeer of her Reign, for her ſelf, her Heirs and Succeſſors, granted to the Mayor and Cominalty of the Borough of *Plymouth* aforeſaid, and their Succeſſors amongſt other things, That the Mayor and Recorder of the Borough aforeſaid, for the time being, the time that they ſhould happen to be in their Offices; And further, the Predeceſſors of the ſaid Mayor then alive, and for the time being and their Succeſſors, ſhould be Juſtices of the ſaid late Queen, her Heirs and Succeſſors, to keep the Peace in the ſaid Borough, and within the Limits, Precincts, and Liberties thereof, and to be kept, and to cauſe to be conſerved and kept, without any Command, Commiſſion, or Warrant for the ſame to be had, or to be obteined: And further to the ſaid Lord the King, we certifie, That within the Borough aforeſaid, there is, and time whereof the Memory of Man is not to the contrary, there was a Uſage and Cuſtom, That the Mayor and 12. chief Burgeſſes of the ſame Borough, ſtood, and were of the private Council of the Borough aforeſaid, and 24. of the other moſt diſcreet Burgeſſes of the Borough aforeſaid, for the time being, to this choſen and ſworn ſtood, and were, together with the aforeſaid Mayor, and 12. Chief Burgeſſes of Common Council, of the Borough aforeſaid, for the regulating and government of the ſame Borough. And that every ſuch Burgeſſe, who was choſen into the fellowſhip of the 24. Burgeſſes of the Common Council aforeſaid, before he was to be admitted to the ſaid fellowſhip, ſhould take corporal Oath before the Mayor of the ſame Borough, for the time being, that he ſhould carry himſelf well and honeſtly, as well towards the Mayor of the Borough aforeſaid, for the time being, and to them from time to time ſhould ſhew Reverence, and that he ſhould maintein and uphold the Liberties and common Profit of the Borough aforeſaid, with his beſt Counſel and Advice; And further, we Certifie, That every one of the aforeſaid 12. Chief Burgeſſes, from time to time choſen, ſhould be preferred by the Mayor of the Borough aforeſaid, or the reſt of the aforeſaid 12. Chief of the Burgeſſes, or by the greater part of them, for the time being, only without the conſent, or aſſent of the aforeſaid 24. the other Burgeſſes who are (as before is ſaid) of the Common Counſel of the Borough aforeſaid, to this required. And further, we Certifie, That the aforeſaid *James Bagg*, the firſt day of *May*, in the yeer of the Reign of the Lady *Elizabeth*, late Queen of *England* the 32th. was duly choſen and appointed, one of the aforeſaid 24. of the Burgeſſes of the Common Council, of the Borough aforeſaid then being, and the

ſaid

ſaid firſt day of *May*, in the 32th. yeer aforeſaid, at *Plymouth* aforeſaid, took Corporal Oath, before the Mayor of the Burrough aforeſaid, according to the antient Cuſtom aforeſaid. That he the ſaid *James*, would carry him well & honeſtly, as wel towards the Mayor of the Borough aforeſaid, for the time being as towards the other 12. chief Burg. of the ſaid Borough for the time being, and to them from time to time, would ſhew Reverence, and the Liberties, and Common profit of the Borough aforeſaid, would maintain, and uphold with his beſt Counſel and adviſe. And further to the Lord the King we Certifie, That the aforeſaid Borough of *Plymouth*, is ſituate ſo neer to the ſhore and Sea Coaſts, That by reaſon thereof, and by reaſon of the daily meeting there, of Ships and Veſſels there coming, as well from the parts beyond the Seas, as from elſewhere, many ill minded men, as well Allens, within born, of evil and perverſe converſation, contemners of good Government, and diſturbers of the Peace, in the Ships and Veſſels aforeſaid thither coming, in the Borough aforeſaid, and within the Liberties and Precincts of the ſame ſtaying and remaining are daily found, who can hardly be there brought to the obedience of good Rule and Government, unleſſe the Authority of the Mayor of the Borough aforeſaid for the time being, and of the other Chief Burgeſſes aforeſaid, with due reverence of the other Burgeſſes, and Inhabitants of the ſaid Borough be fortified, and the Perſons of the ſaid Chief Burgeſſes, and of the Mayor from the contempt of the vulger be preſerved. And further to the ſaid Lord the King we certifie, That the aforeſaid *James Bagge*, not ignorant of the premiſes, little regarding his Oath aforeſaid, and the Authority as well of the Mayor of the Borough aforeſaid for the time being, as his late Predeceſſors aforeſaid, as the other the Chief Burgeſſes, of the Borough aforeſaid, ſetting naught by, and labouring, and intending, to bring the ſame Authority into contempt. The firſt day of *May*, in the yeer of the Reign of the Lord the King that now is the 6th, the ſaid *James* being then one of the Common Counſel of the Borough aforeſaid, and one of the Chief Burgeſſes of the ſame Burough, in the preſence of one *Robert Trelawny*, then being Mayor of the Burrough aforeſaid, and of many other of the Inhabitants of the Burrough aforeſaid, at *Plymouth* aforeſaid, within the Burrough aforeſaid contemptuouſly, and malapartly, carried himſelf as well in geſture, as in words toward the Mayor aforeſaid; and then and there, to the aforeſaid *Robert Trelawny* contemptuouſly, and ſcoffingly, without any reaſonable cauſe, theſe words following openly and publickly ſaid and ſpake; that is to ſay. You, (the aforeſaid *Robert Trelawney* intending) are ſome Prince, are you not? And further to the ſaid Lord the King we certifie, That afterwards, that is to ſay, the firſt day of *February*, in the yeer of the Reign of the Lord the King that now is, the 7. the aforeſaid, *James Bagge* continuing his evil diſpoſition, and intention aforeſaid, at *Plymouth* aforeſaid, in the preſence and hearing of the aforeſaid *Robert Trelawny*, then being a Juſtice of the Peace of the aforeſaid Lord the King, within the Burrough aforeſaid to be kept, by reaſon of Mayrolty of the Burrough aforeſaid, the yeer then laſt paſt, by virtue of the Letters Patents aforeſaid, and in the preſence and hearing of very many other of the Inhabitants of the Burrough aforeſaid, openly, publickly, and with a loud voice, without any reaſonable cauſe, theſe words following, contemptuouſly, falſly, and ſcandalouſly ſaid and ſpake, that is to ſay, you, (the aforeſaid *Trelawny* intending) are a Coſening Knave, whereas in truth, the ſaid *Robert Trelawny* all his life time ho-

neſtly, and from all ſuſpition of any falſity, fraud, or deceit, lived altogether unſpected, and in the Offices, as well of the Mayriolty, as of Chief Burgeſſe, of the Burrough aforeſaid with praiſe, carried and governed himſelf; And further to the ſaid Lord the King, we do Certifie, That the 20th. day of *November*, in the yeer of the Reign of the ſaid Lord the King, that now is the 7th. The aforeſaid *James Bagge*, continuing his evil diſpoſition, and intent aforeſaid, at *Plymouth* aforeſaid, ſeditiouſly, and malitiouſly, ſtirred up, and perſwaded one *Thomas Shervil* then being of the Chief Burgeſſes of the Burrough aforeſaid, That he the ſaid *Thomas* would joyn himſelf with the aforeſaid *James Bagge* in a conſpiracy to amove, and depoſe, One *John Battersby*, then being Mayor of the Burrough aforeſaid, from his Office of Mayriolty, without any reaſonable, or lawful cauſe; and then and there malitiouſly, and contemptuouſly ſpake to the aforeſaid *Thomas Shervill*, of the aforeſaid *Thomas Battersby*, theſe words following, that is to ſay, Maſter Mayor (the aforeſaid *John Battersby* intending) carrieth himſelf fooliſhly in this place; And if you will joyn with me, we will turn him out of his Mayriolty, and chooſe a wiſer Man in his place; Whereas in truth, the aforeſaid *John Battersby*, during the whole time of his Mayriolty aforeſaid, in the executing of his Office aforeſaid, carried himſelf well and diſcreetly, and with great Integrity and gravity: And further, to the ſaid Lord the King we Certifie, That afterwards, that is to ſay, the firſt day of *February*, in the yeer of the Reign of the ſaid Lord the King that now is the 8th. the aforeſaid *James Bagg*, continuing in his evil diſpoſition and intent aforeſaid, at *Plymouth* aforeſaid, in the *Guild-hall* of the Borough aforeſaid, in the preſence of one *Thomas Fowens*, then being Mayor of the Borough aforeſaid, in the preſence and hearing, as well of the Chief Burgeſſes, as of the other Inhabitants of the Borough aforeſaid, ſcornfully, and without reaſonable cauſe, ſpake to the aforeſaid *Thomas Fowens*, theſe falſe and injurous words following, that is to ſay; Thou (the aforeſaid *Thomas Fowens*, then Mayor intending) art an Inſolent Fellow, whereas in Truth, the ſaid *THOMAS*, in the whole courſe of his Life, bore himſelf towards all Men, Honeſtly, Civily, and with Praiſe. And further to the ſaid Lord the King we certifie, that the afterwards, that is to ſay, the firſt day of *Auguſt*, in the yeer of the Reign of the ſaid Lord the King that now is the 9th. at *Plymouth* aforeſaid, in the preſence and hearing of the aforeſaid *Thomas Fowens*, and of very many other of the Burgeſſes of the Burough aforeſaid, being gathered together in the *Guild Hall* of the Burough aforeſaid, the aforeſaid *James Bagg*, continuing his evil diſpoſition and intent aforeſaid, divers contemptible words of the aforeſaid *Thomas Fowens*, then being Mayor of the Burrough aforeſaid, with a loud voice ſpake and uttered, upon which, the aforeſaid *Thomas Fowens*, with mild words admoniſhing the aforeſaid *James Bagg*, that he would deſiſt from uttering ſuch contemptible words aforeſaid, the aforeſaid *James Bagg* thereupon then and there, that is to ſay, the 10th. day of *Auguſt* in the 9th. yeer aboveſaid, at *Plymouth* aforeſaid, and in the preſence and hearing of the aforeſaid *Thomas Fowens*, then Mayor of the Burrough aforeſaid, and very many other of the Burgeſſes and Inhabitants of the Burrough aforeſaid, and in contempt and diſdain, of the ſaid *Thomas Fowens* then Mayor turning the hinder part of his Body, in an unhumane and uncivil manner towards the aforeſaid *Thomas Fowens*, ſcoffingly, contemptuouſly, and uncivily, with a loud voice, ſaid to the aforeſaid *Thomas Fowens*,

ens, theſe words following, that is to ſay, (come and K.ſs) And further to the ſaid Lord the King we certifie, that afterwards, that is to ſay the 20th. day of *Auguſt*, in the yeer of the Reign of the Lord the King that now is the 19th. at *Plymouth* aforeſaid, the aforeſaid *James Bagg* with moſt arrogant words, threatned the ſaid *John Fowens* then being Mayor of the Burrough aforeſaid, without any reaſonable cauſe; and then and there, to the ſaid *John Fowens* threatningly and malitiouſly ſpake the words following, that is to ſay, I will make thy neck crack. And further to the ſaid Lord the King we certify, that afterward, that is to ſay, the third day of *May* in the yeer of the Reign of the Lord the King that now is the 12th. A certain Order, and friendly Inſtrument of admonition was made by *John Scobb* Mayor of the Burrough aforeſaid, and the greater part of the Chief Burgeſſes of the ſame Burrough, in theſe words, that is to ſay, The 9th. day of *May* 1614. the day and year above written, It was agreed by *John Scobb* Mayor, and ſuch other of the Maiſters here under written, that if Mr. *James Bagg* the Elder, do not before the next ſeſſions, to be holden within the Burrough of *Plymouth*, Reconcile himſelf to the ſaid Mayor and his brethren, for ſuch wrongs as he hath committed againſt them, and withall faithfully promiſe to demean himſelf more orderly & temperately for the time to come, that then he ſhall be clean removed from the Bench, and a new Maſter choſen in his Room, which Order or Inſtrument was made and ſubſcribed by the ſaid Mayor and other of the Chief Burgeſſes of the Burrough aforeſaid. And further to the ſaid Lord the King we Certifie, That the aforeſaid *James Bagg* before the aforeſaid next ſeſſions in the Order aforeſaid mentioned, did not make any ſuch reconciliation or promiſe of Conformity, as in the Order aforeſaid is ſpecified, although full notice of the aforeſaid Order, immediately after the making thereof, & before the aforeſaid next ſeſſions was given to him at *Plymouth* aforeſaid. And further to the ſaid Lord the K. we Certifie, that afterwards, that is to ſay, the 20th. day of *Febr.* in the yeer of the Reign of the ſaid Lord the K. that now is the 12th. the aforeſ. *Jam. Bagg*, continuing his evil diſpoſitiō & in his intent aforeſaid, at *Plymouth* aforeſ. in the *Guild-hall* of the Borough aforeſaid, in the preſence & hearing of *John Scobb*, one of the Chief Burgeſſes of the Borough aforeſaid, And then being a Juſtice for the keeping of the Peace within the Borough aforeſaid, by virtue of the Letters Patents aforeſaid, by reaſon of his Mayralty of the Borough aforeſaid, the yeer then next before, and in the preſence and hearing of the then Mayor of the Borough aforeſaid, and of diverſe other of the Burgeſſes and Inhabitants of that Borough, contemptuouſly theſe words following, ſpake & uttered of the aforeſaid *John Scobb*, openly, and publickly, falſely, and ſcandalouſly, that is to ſay, You (the aforeſaid *John Scobb* intending) are a Knave, whereas the aforeſaid *John Scobb*, honeſtly, and with praiſe carried, and governed himſelf. And further, to the ſaid Lord the King we Certifie, That afterwards, that is to ſay, the 10th. day of *December* laſt paſt, then the Mayor of the ſaid Borough, and diverſe of the Chief Burgeſſes of the Borough aforeſaid, at *Plymouth* aforeſaid, being aſſembled together in the Almes-houſe of the ſaid Borough, to require and receive an Account of the Overſeers of the Borough of the Borough aforeſaid, as in times paſt, and time whereof the Memory of Man is not to the contrary it was uſed, the aforeſaid *James Bag*, then and there in the preſence and hearing of the ſaid Mayor, and other of the Chief Burgeſſes aforeſaid, without any reaſonable cauſe openly and

publickly ſayd to the ſaid *Thomas Shervill*, there then preſent, and one of the Chief Burgeſſes of the Burrough aforeſaid, and for the ſpace of 10. yeers then laſt paſt being, theſe falſe and ſcandalous words following; that is to ſay, You, (the ſaid *Thomas Shervill* intending) are a ſeditious Fellow, whereas in Truth, the aforeſaid *Thomas Shervill*, alwaies lived not ſuſpected of any ſuch crime of Sedition, and from time in the Office of Mayor, of the Burrough aforeſaid, as in the place and Office of Chief Burgeſſe, Honeſtly, Diſcreetly, and with great Integrity, carried and governed himſelf. And further, to the ſaid Lord the King we Certifie, That whereas the ſaid Lord the King, the --- day of *January*, in the 12th. yeer of his Reign aforeſaid, at *Weſtminſter* in the County of *Middleſex*, with the Adviſe of the Lords of his Privy Council of this his Realm of *England*, Ordained and Commanded, by publick Proclamation, and by Letters written under the proper Hands of diverſe of the Lords of his Privy Council ſealed, That none, nor any perſon whatſoever, ſhould kill, or put to ſale any Fleſh for Victuals, in the time of *Lent* then next following, contrary to the Lawes and Statutes of this Realm. And that all Mayors, and other Head Officers, in Burroughs and Towns Corporate, within this Kingdom of *England*, in the beginning of the time of *Lent* then next coming, or before, ſhould cauſe all Victualers, Inn Keepers, Keepers of Ordinary Tables, and Alehouſe-keepers, within the precinct of their Juriſdiction, to be bounden to the Lord the King by Bond, that they ſhould not dreſſe any Fleſh for Victuals, all the ſaid time of *Lent* then next following; And whereas afterwards, that is to ſay, the 20th. day of *February*, in the 12th. yeer aforeſaid, One *John Clement*, then, and yet Mayor of the Burrough of *Plymouth* aforeſaid, according to the duty of his Place, and in Obedience of the ſaid Ordinance and Command of the ſaid Lord the King, ſent to all the Victualers, Inn-Keepers, Keepers of Ordinary Tables, and Alehouſe-keepers aforeſaid, within the precinct of the Burough aforeſaid, that they become bound by their Writing, to the uſe of the ſaid Lord the King, according to the Tenor and Exigency of the aforeſaid Ordinance and Command of the ſaid Lord the King, the due Execution of the Ordinance aforeſaid, in that behalf required and endeavored, within the Burrough aforeſaid, The aforeſaid *James Bagg*, well knowing the premiſes, and continuing his evil diſpoſition and intent aforeſaid, At *Plymouth* aforeſaid, endeavoured and attempted to hinder, and make void the due Execution of the aforeſaid Ordinance and Command of the ſaid Lord the King; And to that purpoſe, the ſame 20th. day of *February*, at *Plymouth* aforeſaid, to diverſe Inhabitants of the Burrough aforeſaid, and other of the Kings leige People then being, and having then and there ſpeech with the aforeſaid *James Bagg*, of and upon the buſineſſe aforeſaid, openly and publickly ſpake and uttered theſe words following, that is to ſay, Maſter Mayor (meaning the ſaid *John Clement*) doth more herein than he need, and more than he can well Anſwer; Meaning, that the ſaid *John Clement*, in requiring the aforeſaid Victualers, Inn-Keepers, Keepers of Ordinary Tables, and Alehouſe-Keepers, to become bounden to the uſe of the ſaid Lord the King, according to the aforeſaid Ordinance and Command of the ſaid Lord the King, had done more than was needful, and more than he could well Anſwer; By reaſon of which ſpeech, diverſe Victualers, Inn Keepers, Keepers of Ordinary Tables, and Alehouſe Keepers, dwelling within the aforeſaid Burrough, utterly refuſed to be bounden to the ſaid Lord the King, according to the

aforeſaid

aforesaid Ordinauce and Command of the said Lord the King; and farther we certifie, that the aforesaid Mayor and Comminalty of the Burrough of *Plymouth*, and their predecessors, time whereof the memory of men is not to the contrary, had and used to have within the Burrough aforesaid, a certain Custom of Wine called Wine-weight, otherwise Wine Wite payable by every Taverner selling Wine within the Burrough aforesaid. of which Custom of Wine aforesaid, the Mayor and Comminalty from the whole time aforesaid, quietly and peaceably were possessed of, until the aforesaid *Ja. Bagg* the 29th. day of *Nov.* in the yeer of the Reign of the said Lord the King that now is the 4th. at *Plym.* aforesaid. perfidiously & maliciously practised with *William Bently* and *Thomas Lyde* being Taverners and Sellers of Wine within the Burrough aforesaid, to them revealing divers secret counsels concerning the common profit of the Burrough aforesaid; and them the said *William* and *Thomas* then and there perswaded, that they no more should pay the aforesaid custom of wine called Wine-weight, otherwise Wine-wite, nor any summ of money for the same to the aforesaid Mayor and Comminalty, which very day, the 29th. day of *November*, in the 4th yeer aforesaid, the aforesaid *James Bagg*, being then one of the 12. Chief Burgesses of common Council of the Burrough aforesaid, at *Plymouth* aforesaid, perfidiously, and maliciously, spake to the said *William Bently* and *Thomas Lyde* these words, that is to say, you need not pay the Money, (meaning a certain Farm by them the said *William* and *Thomas* for the Custom aforesaid, before then, to the aforesaid Mayor and Comminalty payable for the Wine-weight, any longer except you list, for it is not due unto them, By reason of which perfidious and malicious words, the aforesaid *William Bently* and *Thomas Lyde* utterly refused to pay and yet do refuse, and by reason thereof diverse Strifes, and Controverfies are risen, and hereafter are like to arise, betwixt the aforesaid *William Bently*, and *Thomas Lyde*, and the aforesaid Mayor and Comminalty, for the Custome of Wine aforesaid, and the Farm aforesaid, to the great damage and prejudice of the aforesaid Mayor and Comminalty: And further to the said Lord the King we Certifie, that the aforesad *James Bagg* the first day of *May*, in the yeer of the Reign of the Lord the King that now is the 12th. and diverse other days and times then before, at *Plymouth* aforesaid, perfidiously said to diverse Inhabitants of the Burrough aforesaid, and to other the leige people of the said Lord the King upon Communication between them and the aforesaid *James Bagg* then before had, of and concerning the liberties, and Privileges of the Burrough aforesaid, that he the said *James Bagg* would overthrow and make void the Charter of the Town aforesaid, meaning the Charter aforesaid by the aforesaid Late Queen *Elizabeth* to the aforesaid Mayor and Comminalty, as before is said granted, And that he the said *James* the liberties & privileges of the Burrough aforesaid, would call in question, and the same Privileges and Liberties overthrow. And further to the Lord the King we Certifie, that afterwards, that is to say, the 17th. day of *April* now last past, the aforesaid *James Bagg* in the said Writ named, for the Causes aforesaid, by the Mayor and Comminalty of the Burrough aforesaid, from the Office of one of the Chief Burgesses and Magistrates of the Burrough aforesaid, was amoved, *&c. John Clement* Mayor.

SCIRE FACIAS.

Pleas before the Lord the King that now is, in his *Chancery* at *Weſtminſter*, in the County of *Middleſex* : *Hillary Term*, in the yeer of the Lord King *JAMES*, by the Grace of God of *England*, *Scotland*, *France* and *Ireland*, King, the 3d. and of *Scotland* the 39th fol. 1.

The PRINCES Caſe.

THE Lord the King that now is, ſent his Cloſe Writ, to the Sheriff of *Cornwall*, directed in theſe words. *JAMES* by the Grace of God, of *England*, *Scotland*, *France* and *Ireland* King, defender of the Faith, *&c.* To the Sheriff of *Cornwall* greeting; Whereas in the Statute in the Parliament of the Lord *Edward*, late King of *England* the 3d. in the yeer of his Reign the 11th. at *Weſtminſter*, in the County of *Middleſex*, holden, made, amongſt other things it was Enacted, by Authority of the ſaid Parliament, That the Eldeſt Son of the King of *England*, who ſhould be Inheritable to the Kingdom of *England*, ſhould be Duke of *Cornwall*, and that the Dutchy of *Cornwall*, ſhould be from thenceforth to the Eldeſt Son of the Kings of *England*, who ſhould be next Heir of the aforeſaid Kingdom. And that the aforeſaid Eldeſt Son of the Kings of *England*, ſhould have, and enjoy towards their Maintenance and ſupport of their Princely State All the whole Dutchy of *Cornwall*, and all Caſtles, Honours, Lordſhips, Manors, Lands, Tenements, and all and ſingular Hereditaments to the ſaid Dutchy belonging or appertaining, or reputed or taken to be part, parcel, or member of the ſame Dutchy. And whereas, the ſaid late King *Edward* the 3d. in the aforeſaid Parliament, in the yeer of his Reign the 11th. aforeſaid, by his certain Charter, with the common Aſſent and Counſel of the Prelates, Earls, Barons, & others of the ſaid Knigs Council, in the ſaid Parliament called together; And by Authority of the ſaid Parliament, had given to *Edward*, then Earl of *Cheſter*, his Eldeſt Son, the name and Honour of Duke of *Cornwall*, and him in the Dutchy of *Cornwall* eſtabliſhed: And by the ſame his Charter with the common Aſſent and Counſel aforeſaid, gave and granted to the ſaid his Son, in the name of the Dutchy aforeſaid, and under the name and Honour of Duke of the ſaid place, amongſt other things, The Caſtle of *Wallingford*, with its Hamblets and members, and the yeerly Farm of the Town of *Wallingford*, with the Honours of *Wallingford*, & of St. *Walerico*, with the Appurtenances, in the County of *Oxford*, and other Counties whereſoever the ſaid Honors were. To have, and to hold to the ſame Duke, and of him and his Heirs, Kings of *England*, Eldeſt Sons of the ſame place, Dukes in the Kingdom of *England* inheritable ſucceſſively, together with Knights Fees, Advowſons of Churches, Abbies, Priories, Hoſpitals, Chapels, and with Hundreds, Fiſhings, Forreſts, Chaſes, Parks, Warrens, Fairs, Markets, Liberties, Free Cuſtoms, Wards, Reliefs, Eſcheats,

Eſcheats, and Services of Tenants, as well free, as villains, and all other things to the aforeſaid Caſtles, Towns, Honors, Lands, and Tenements, howſoever belonging or appertaining, of the aforeſaid King *Edward* the 3d. and his Heirs for ever. And the ſaid late King *Edward* the 3d. by his Charter aforeſaid, in Parliament aforeſaid, with the common Conſent aforeſaid, and by Authority of that Parliament, the aforeſaid Caſtle of *Wallingford*, and other the premiſes with their Appurtenances, amongſt other things to the ſaid Dutchy annexed and united, to remain to the ſaid Durchy for ever, So as from the ſaid Dutchy at any time by no means they be ſeparated, nor to any other, or others, then to the Dukes of the ſame place, by the aforeſaid late King, or his Heirs ſhould be given, or any wayes granted, ſo alſo that to the aforeſaid Duke, other Dukes of the ſame place, deraſing, and to the Son or Sons, to whom the aforeſaid Dutchy, by colour of the Grants aforeſaid it ſhould belong, not appearing, the ſaid Dutchy with the aforeſaid Caſtle, and other the premiſes being granted, to the aforeſaid late King, or his Heirs, Kings of *England*, ſhould retorn in the Hands of him the ſaid late King, and of his Heirs Kings of *England* to be holden, until any of ſuch Son, or Sons, of the ſaid Kingdom of *England* Heirs ſucceſſive, ſhould appear (as is aforeſaid) to whom ſucceſſively the ſaid Dutchy with the Appurtenances, the aforeſaid late King for him and his Heirs, granted and would to be delivered, to be holden of the ſaid King, and his Heirs for ever. And whereas likewiſe, By a certain Act made in Parliament of the Lord *Henry*, late King of *England* the 8th. holden at *Weſtminſter* aforeſaid, that is to ſay, in the ſecond Seſſion of the ſame Parliament, begun and holden the 12th. day of *April*, in the yeer of the Reign of the ſaid Lord late King *Henry* the 8th. the 31th. and by diverſe Prorogations continued, until the 25th. day of *May*, in the yeer of the Reign of the ſaid late King *Henry* the 8th. the 32th. and from thence holden and continued, until the diſſolution of the ſaid Parliament, the 24th. day of *July*, in the 32th. yeer aforeſaid, Reciting; That whereas in the Parliament holden, in the 11th. yeer of the Reign of the late King of famous Memory King *Edward* the 3d. amongſt other things eſtabliſhed, It was Enacted and Ordained, That the Eldeſt Son of the King of *England*, who ſhould be Inheritable to this Kingdom of *England*, ſhould be Duke of *Cornwall*, and that the ſame Dutchy of *Cornwall*, ſhould ever be to the Eldeſt Son of the King of *England*, who ſhould be next Heir of the ſaid Kingdom; And that he ſhould have and enjoy towards the Mainteinance and ſupport of his Princely Eſtate, the whole Dutchy of *Cornwall*, and all Honours, Dominions, Manors, Lands, Tenements, and all other Hereditaments belonging or appertaining to the ſaid Dutchy, or reputed, or taken to be part, parcel, or Member of the ſaid Dutchy: And for that, The Honour and Caſtle of *Wallingford*, in the County of *Berks* then was, & long time had been part and parcel of the Inheritance and Poſſeſſions of the ſaid Duke of *Cornwall*, and reputed and taken to be a member of the ſaid Dutchy; Which Manor and Caſtle, lay neer to the Manor of the ſaid late King *Henry* the 8th. of *Newelm*, otherwiſe *Ewelm*, in the County of *Oxford*, and was very commodious, decent, and pleaſant, of the ſaid late King *Henry* the 8th. In conſideration whereof, and for other urgent cauſes, the ſaid late King *Henry* the 8th. eſpecially moving, It was Enacted and Ordained by the Authory of the ſame Parliament, of the ſaid late King *Henry* the 8th. That the ſaid Honour and Caſtle of *Wallingford*, and all Dominions, Manors,

Land, Tenements, and Hereditaments whatſoever they ſhould be, being parts, parcels, or members of the ſaid Honour and Caſtle, or appendant, or belonging to the ſaid Honour and Caſtle, or to any Lordſhip or Manor to the ſame appertaining, or reputed, or taken to be part or parcel of the ſaid Honor and Caſtle, or any member thereof, ſhould be from thenceforth for ever by authority of the ſaid Parliament ſevered, diſannexed and diſmembred from the ſaid Dutchy of *Cornwall*, and ſhould not be in any manner from thence after reputed, called, accepted, or taken by the name of the Honour of *Wallingford*, nor be any part, parcel or member of the ſaid Dutchy of *Cornwall*: And that the aforeſaid Manor of the ſaid King of *Newelm*, otherwiſe *Ewelm* from thence for ever after ſhould be named, called, accepted, and be reputed and adjudged to be the Honour of *Newelm*, otherwiſe *Ewelm*. And that the ſaid late King *Henry* the 8th. ſhould have and enjoy the like Liberties, Franchiſes, Privileges, Royalties, and Juriſdictions, as well in the aforeſaid honour of *Newelm* otherwiſe *Ewelm*, as in the aforeſaid Mannors, Caſtle, Lands, Tenements and Hereditaments, being part, parcel or member of the ſaid Honor of *Wallingford*, to all intents & purpoſes as were in any manner belonging, apertaining or uſed in or to the ſaid Honour of *Wallingford*. And that the like proceſs, ſutes and pleas ſhould be for ever holden, received and ſhould be uſed in the ſaid Honour of *Newline*, otherwiſe *Eweline*, as at the firſt day of the ſame Parliament were uſed or exerciſed in the ſaid Honour of *Wallingford*: And that the ſaid late King *Henry* the 8th. ſhould have to him, his Heirs and Succeſſors for ever, the ſaid Honour and Caſtle of *Wallingford*, and all Lordſhips, Mannors, Lands, Tenements and other Hereditaments whatſoever, appertaining to the ſaid Honour or Caſtle, or reputed, or taken to be any part of the poſſeſſions, or parcel or member of the ſaid Honour and Caſtle, from thence for ever to be ſevered and divided from the aforeſaid Dutchy: And that the ſaid Honour and Caſtle of *Wallingford*, from thence for ever ſhould be named and called the Caſtle and Mannor of *Wallingford*. And alſo that the ſaid Caſtle and Mannor of *Wallingford*, and all Lordſhips, Mannors, Lands, Tenements, and other Hereditaments whatſoever, which then ſhould be belonging or appertaining to the ſaid Mannor, or reputed or taken to be any part, parcel or member thereof; and all manner of Liberties, Franchiſes, Privileges, Royalties and Juriſdictions before that uſed within the ſaid Honour of *Wallingford*, from thence for ever ſhould be united, annexed, knit, adjudged, deemed, accepted, reputed and called part, parcel and member of the ſaid Honour of *Newelm*, otherwiſe *Ewelm* in the aforeſaid County of *Oxford*: And further it was enacted by Authority of the aforeſaid Parliament of the aforeſaid late King *Henry* the 8th. That all and ſingular perſon and perſons who then held any Mannors, Lands, Tenements, or Hereditaments of the aforeſaid late King *Henry* the 8th. and of the moſt excellent and undoubted Prince *Edward*, the Son and Heir apparent of the ſaid late King *Henry* the 8th. as of the ſaid Honour of *Wallingford*, or of any other Lordſhips or Mannors being parcel or member of the ſaid Honour of *Wallingford*, from thence for ever after ſhould hold their ſaid Mannors, Lands, Tenements, and Hereditaments of the ſaid late King *Henry* the 8th. his Heirs and Succeſſors, as of the aforeſaid Mannor and Caſtle of *Wallingford*, or of the ſaid Lordſhips or Mannors being parcel and members of the ſaid Honour of *Wallingford*, parcel of the ſaid Honour of *Newelm*, other-

otherwiſe *Ewelm*, by the ſaid Rents, Sutes, Cuſtoms and Services, as they and every of them held, payed, or did before the making of the ſaid Act of Parliament, and not by more, or other Rents, Sutes, Cuſtoms or Services: Saving to every perſon and perſons, Bodies Corporate, Politick, their Heirs and Succeſſors, and to every of them, other than the moſt excellent and undoubted Lord Prince *Edward* which then was, and his Heirs, and to any other who from thence forever ſhould happen to be the Kings Eldeſt Son, and new Heir of the Crown of this Kingdom of *England*, All ſuch Right, Title, Intereſt, Poſſeſſion, Fees, Offices, Annuities, Rents, Commons, and all other Commodities and Hereditaments whatſoever, which they, or any other of them lawfully held, had, could, or ought to have had, if the ſaid Act of Parliament had never been made; And further, It was Enacted by the Authority of the aforeſaid Parliament, of the aforeſaid late King *Henry* the 8th. That the aforeſaid Excellent, and undoubted Prince *Edward*, which then was, and every other who from henceforth for ever, ſhould happen to be Eldeſt Son of the King, and next Heir of the Crown of this Kingdom, ſhould have, hold, and enjoy for ever annexed, united and knit, to the aforeſaid Dutchy of *Cornwall*, for, and in full Recompence of the aforeſaid Honor, & Caſtle of *Wallingford*, and other the premiſes in the ſaid Act before mentioned, to the ſaid Honor of *Wallingford*, then before belonging as part and parcel of the ſaid Dutchy of *Cornwall*, The Manor of *VVeſt Taunton*, *Trelowia*, and *Landalph*, with the Appurtenances in the County of *Cornwall*, amongſt other things, in ſuch manner and form, and of ſuch like Eſtate, as the ſayd Excellent and undoubted Prince, before the making of the ſame Act of Parliament, had, held, or enjoyed, the aforeſaid Honour and Caſtle of *Wallingford*, and all the premiſes parcel of the ſaid Honour. And that all and ſingular the aforeſaid Manors, with all and ſingular their Appurtenances, then amongſt other limitted and aſſigned, by the ſaid Act in the aforeſaid Parliament of the aforeſaid late King *Henry* the 8th. to the aforeſaid Dutchy of *Cornwall*, and every of them, from thence for ever, ſhould be reputed, deemed, adjudged, accepted and taken, by authory of the ſame Parliament, as part, parcel, and member of the ſaid Dutchy of *Cornwall*, in ſuch and the like manner and form, to all purpoſes and intents, as the ſaid Honour and Caſtle of *Wallingford*, and the members and parcels of the ſame, were before the making of the ſame Act, any Act, Law, Cuſtom, or uſe to the contrary notwithſtanding, As by the ſaid Act in the aforeſaid Parliament of the aforeſaid late K. *Hen.* the 8th. made amongſt other things it more fully appeareth. And whereas before, & until the time of the making of the aforeſaid Act of Parliament, made in the aforeſ. Parliament of the aforeſ late K. *H.* the 8th. The aforeſaid Honour & Caſtle of *Wallingford*, & members & parcel thereof, were part, parcel, and members of the aforeſaid Dutchy of *Cornwall*, according to the form and effect of the aforeſaid Charter and Grant by the aforeſaid late King *Edward* the third with the common aſſent aforeſaid, and Authority of his Parliament aforeſaid (as before is ſaid) made, and as in the aforeſaid Charter are mentioned, and above recited, and the aforeſaid excellent and undoubted Prince *Edward* in the aforeſaid Act made in the aforeſaid Parliament of the aforeſaid late King *Henry* the 8th. before the time of making of the aforeſaid Act made in the Parliament aforeſaid of the aforeſaid late King *Henry* the 8th. had and enjoyed in the aforeſaid Honour and Caſtle of *Wallingford*, and other the premiſes, par-

cel of the ſame Honour, in ſuch manner and form, and of ſuch eſtate as is enacted and limited in the aforeſaid Charter, and Grant aforeſaid of the aforeſaid late King *Edward* the third in the year of his Reign the 11th. aforeſaid by the Authority of Parliament made as before is ſaid. And the aforeſaid Caſtle of *Wallingford* with the Hamlets and Members thereof; And the aforeſaid Honour of *Wallingford*, with the Appurtenances in the aforeſaid Charter and Grant, by the aforeſaid late King *Edward* the third, as before is ſaid, made, ſpecified, are one and the ſame, and not others or divers. By vertue of which the ſaid late Prince *Edward*, eldeſt Son of the aforeſaid late King *Henry* the 8th. and Duke of *Cornwal*, was ſeiſed of the aforeſaid Manors of Weſt *Taunton*, *Trelowia*, & *Landalph* with the Appurtenances in his Demeſn as of Fee, as parcel of his Dutchy of *Cornwal* aforeſaid, according to the form and effect of the aforeſaid Act of Parliament; and he thereof ſo being ſeized, the aforeſaid late King *Henry* the 8th. afterwards at *Weſtminſter* aforeſaid died, the ſaid *Edward* late Prince, being the Son and Heir of the aforeſaid late King *Henry* the 8th. And the ſaid *Edward* late Prince to the ſaid King *Henry* the 8th. in the aforeſaid Kingdom of *England* by right of Inheritance ſucceeded, and King of the aforeſaid Kingdom of *England* by the name of *Edward* the 6th. King of *England* came to be. And afterwards the ſaid *Edward* the 6. late King of *England* at *Weſtminſter* aforeſaid dyed without Heir of his body begotten; the Lady *Mary* late Queen of *England* being his Siſter and heir of the ſaid late King *Edward* the ſixt; and the aforeſaid Lady *Mary* to the ſaid late King *Edward* the ſixt in the aforeſaid Kingdom of *England* by right of Inheritance ſucceeded, and became Queen of the aforeſaid kingdom of *England*, and afterwards the ſaid Queen *Mary* at *Weſtminſter* aforeſaid died without heir of her body begotten; the Lady *Elizabeth*, late Queen of *England*, being Siſter and Heir of the aforeſaid late Queen *Mary*; the aforreſaid Lady *Elizabeth* to the ſaid late Queen *Mary* in the aforeſaid kingdom of *England*, by right of Inheritance Succeeded, and became Queen of the kingdom of *England*: And afterwards, the ſaid Queen *Elizabeth* at *Weſtminſter* aforeſaid, dyed without Heir of her Body begotten, We then, and yet being Coſin and Heir to the ſaid late Queen *Elizabeth*, and we ſucceeded the late Queen *Elizabeth*, in right of Inheritance, in the ſame Kingdom of *England*, and became, and now are King of *England*, and now the moſt Excellent Prince *Henry* our Eldeſt Sonn, now Duke of *Cornwell* hath requeſted us, that, whareas, the aforeſaid Lady *Elizabeth* late Queen of *England*, by her letters Patents, Sealed with the great Seal of *England*, bearing date at *Weſtminſter*, the ſecond day of *May* in the yeer of her Reign the 37th. granted at *Gellio Merick*, then Eſquire, now Knight, now deceaſed, and *Henry Lindley* then Eſquire, now Knight, the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph*, with the Appurtenances, to have and to hold, to them the ſaid *Gellio Merick*, and *Henry Lindley*, and their Heirs for ever, as in the Letters Patents thereof more fully it is conteyned. And whereas the aforeſaid Manors of *Weſt Taunton*, *Trelowia* and *Landalph* to the aforeſaid Dutchy (as is ſaid) annexed and united, to the ſame now Duke by Colour of the gift, grant, and union aforeſaid, by the authority of *Parliament* aforeſaid, belonged, and yet ought to belong, and were member and parcel of the ſame Dutchy, and yet are, as the ſaid pious Prince and Duke by waies and means convenient, is ready to ſhew; That we would the ſaid Letters Patents aforeſaid, of the aforeſaid Manors of *Weſt Taun-*

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ton, *Trelowia*, and *Landalph*, as before is ſaid, made, revoke and annull, and the ſaid Manors with their appurtenances ſeize into our hands; that we cauſe the ſaid Manors to the ſaid now Duke, as members and parcel of the Dutchy aforeſaid, to have and to hold according to the form and effect of the guift, grant, and union aforeſaid to be delivered: We willing to do in this behalf what is Juſt, Command you that by good and Lawfull men of your Bayliwick, you give warning to the aforeſaid *Henry Lindley* Knight, and *John Hele* Knight Serjeant at Law, Tenants of the ſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph*, and alſo to whoſoever other or others, are Tenants of the ſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph* or any of them, that they be before us in our Chancery in 8. dayes of Saint *Hillary* next coming whenſoever it ſhall be, to ſhew what for us and themſelves they have or can ſay, Wherefore the Letters Pattents aforeſaid, of the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph*, with the appurtenances (as before is ſaid) made, ought not to be revoked and annulled, and the ſaid Manors with the appurtenances into our hands be ſeiſed, as before is ſaid, to the now Duke as members and parcel of the Dutchy aforeſaid, according to the form and effect of the gift, grant, and union aforeſaid, to have and to hold, to be delivered, and to do and receive, what our ſaid Court then and there ſhall further grant in this behalf, Witneſs my ſelf at *Weſtminſter*, the 18th. day of *November* in the yeer of our Reign of *England France* and *Ireland*, the third, and of *Scotland* the 39th. and now at this day, that is to ſay, the aforeſaid 8 dayes of Saint *Hillary*, before the ſaid Lord the King that now is, in his ſaid Court of *Chancery* here, cometh *Edward Coke* Knight, Attorny General of the ſaid Lord the King, that now is, who proſecuteth in his behalf for the ſaid Lord the King, in his proper perſon. And *Francis Godolphin* Knight, being Sheriff of the County of *Cornwell*, now ſendth here the Writ aforeſaid, ſerved & executed, in form following the 21. day of *Dec.* in the 3d. yeer aboveſ. by virtue of the writ aforeſ. to him directed that he gave warning by *Joh. Edgecombe* & *Wal. Blant*, good & Lawfull men of his Bayliwick, to the aforeſ. *Hen. Lindley* Kt. and alſo the ſame day and yeer by the ſaid good and Lawfull men, he gave warning to the aforeſaid *John Hele* Knight, and to one *Warwick Hele* Knight, Tenants of the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph* above mentioned, to be before the ſaid Lord the King that now is here, at this day, to ſhew, do, and receive, what that Writ in it requireth and demands. And the aforeſeid *Henry Lindley* Knight, *John Hele* Knight, and *Warwick Hele* Knight, the 4th. day of pleas being called, by *Richard Wilkinſon* their Attorny come, and pray Licence to Imparl, and it is graunted to them, *&c.* and upon this, day is given to the aforeſaid *Henry Lindley*, *John Hele*, and *Warwick Hele* before the ſaid Lord the King in the ſaid Court here, that is to ſay, at *Weſtminſter* aforeſaid, until in 8. dayes of the Purification of the bleſſed *Mary* then next, *&c.* whereſoever, *&c* that is to ſay, to the aforeſaid *Henry*, *John*, and *Warwick*, to imparl, and then to anſwer, *&c.* The ſame day is given to the aforeſaid *Edward Coke* Knight, the Atorney General of the Lord the King that now is, who, *&c.* then to be here, *&c.* At which 8. days from the Purification of the bleſſed Lady *Mary*, before the ſaid Lord the King in the ſaid Court here, that is to ſay, at *VVeſtminſter* a oreſaid, come as well the aforeſaid *Edward Coke* Knight, who, *&c.* in his proper perſon, as the aforeſaid *Henry Lindley*, *John Hele*, and *Warwick Hele*, by their Attorney aforeſaid, and up-

on this, the ſaid *Henry*, *John*, and *Warwick*, by their Attorney aforeſaid, pray farther Licenſe thereof to imparl, before the ſaid Lord the King that now is in the ſaid Court here, that is to ſay, at *VVeſtminſter* aforeſaid, until in 15. days of Eaſter then next following, *&c.* whereſoever, *&c.* and then to anſwer, *&c.* and have it, *&c.* and the ſame day is given to the aforeſaid *Edward Coke Kt.* the Attorny General, of the ſaid Lord the King that now is, who, *&c.* then here, *&c.* At which 15. dayes of *Eaſter* before the the ſaid Lord the King that now is in the ſaid Court here, that is to ſay, at *VVeſtminſter* aforeſaid, come as well the aforeſaid *Edward Coke* Attorny General of the Lord the King that now is, who, *&c.* in his proper perſon, as the aforeſaid *Henry Lindley*, *John Hele*, and *VVarwick Hele* by their Attorny aforeſaid, and upon this, the aforeſaid *Henry*, *John*, and *VVarwick*, by their Attorney aforeſaid, further pray Leave thereof to Imparl before the ſaid Lord the King that now is, in the ſaid Court here, that is to ſay, at *Weſt.* aforeſaid, until the Morrow of the *Holy Trinity* then next following, whereſoever, *&c.* And then to Anſwer, *&c.* & have it, &c. And the ſame day is given to the aforeſaid *Edward Coke Knight*, Attorny General of the Lord the King that now is, who, *&c.* then here, *&c.* At which Morrow of *Holy Trinity*, before the Lord the King that now is, in the ſaid Court, *&c.* that is to ſay, at *Weſtminſter* aforeſaid, come as well the aforeſaid *Edward Coke Knight*, Attorny General of the Lord the King that now is, who, *&c.* in his proper perſon, As the aforeſaid *Henry Lindley*, *John Hele*, and *Warwick Hele*, by their Attorny aforeſaid; And upon this, The ſaid *Henry*, *John*, and *Warwick*, by their Attorny aforeſaid, pray further licenſe thereof to imparl, before the ſaid Lord the King that now is, in the ſaid Court here, that is to ſay, at *Weſtminſter* aforeſaid, until the Morrow of *All Souls* then next following, whereſoever, *&c.* And then to Anſwer, *&c.* And have it, *&c.* And the ſame day is given to *Edward Coke Knight*, Attorny General of the Lord the King that now is, who, *&c.* then here, *&c.* At which Morrow of *All Souls*, before the Lord the King that now is, in the ſaid Court here, that is to ſay, at *Weſtminſter* aforeſaid, come as well *Henry Hobert Knight*, then Attorny General of the ſaid Lord the King, who for the ſaid Lord the King that now is, proſecutes in his proper perſon, as the aforeſaid *Henry Lindley*, *John Hele*, and *VVarwick Hele*, by their Attorny aforeſaid, Upon which, the ſaid *Henry Lindley*, by his Attorny aforeſaid, prayeth the hearing of the ſaid Writ of *Scire Facias* above mentioned, and it is read unto him, *&c.* Which being read and heard, The ſaid *Henry Lindley* ſaith, That neither the aforeſaid Letters Patents, of the aforeſaid late Queen *Elizabeth*, of the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph*, with the Appurtenances in form aforeſaid made, ought to be revoked or annulled, not the ſaid Manors into the Hands of the ſaid Lord the King ought to be ſeized; Becauſe he ſaith, That there is not any ſuch Record of any ſuch Act of Parliament, of the aforeſaid King *Ednard* the 3d. made, as in the aforeſaid Writ of *Scire Facias*, above thereof is rendred and ſpecified; Nor is there any ſuch Record of the aforeſaid Charter, by the aforeſaid late King *Edward* the 3d. by Authority of the Parliament aforeſaid above recited and ſpecified, as in the ſaid Writ of *Scire Facias*, above is recited and ſpecified, And this the ſaid *Henry* is ready to aver, Wherefore he demands Judgement, if the aforeſaid Letters Patents of the aforeſaid late Queen *Elizabeth*, of the Manors aforeſaid with their Appurtenances, ſo as before is ſaid made, ought to be revoked or annulled, or the ſaid Manors

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with the Appurtenances, to be ſeized into the Hands of the ſaid Lord the King that now is, &c. And the aforeſaid *John Hele*, and *Warwick Hele*, by their Attorny aforeſaid, By Proteſtation, That there is not any Record of any ſuch Act of Parliament of the ſaid 11th. yeer of *Edward*, late King of *England* the 3d. nor that there is any ſuch Record of the aforeſaid Charter, by the foreſaid late King *Edward* the 3d. by Authority of Parliament aforeſaid, as in the ſaid of Writ *Scire Facias* is mentioned; For Plea they ſay, That neither the aforeſaid Letters Patents of the aforeſaid Lady *Elizabeth*, of the aforeſaid Manors of *West Taunton*, *Trelowia*, and *Landalph*, with the Appurtenances, in form aforeſaid made, ought to be revoked or annulled, or the Manors aforeſaid with the Appurtenances, be ſeized into the Hands of the Lord the King that now is, or any of them ought to be ſeized, &c. Becauſe they ſay, That the aforeſaid late Lady Queen *Elizabeth*, before the making of the Letters Patents aforeſaid, to the aforeſaid *Gellio Merick*, and *Henry Lindley*, was ſeized in her demeſn as of Fee, in the Right of her Crown of *England*, of the aforeſaid Manors of *West Taunton*, *Trelowia*, and *Landalph*, with the Appurtenances, in the aforeſaid Writ of *Scire Facias* mentioned and expreſſed, and ſo thereof being ſeized, The ſaid late Queen *Elizabeth*, by her Letters Patents under the great Seal of *England* ſealed, bearing date at *Weſtminſter*, in the yeer of her Reign the 37th. and here in Court brought, In conſideration of the good, true, faithful, and acceptable Service to the aforeſaid Lady the Queen, by her then well-beloved, and faithful Coſen and Counſellor, *Robert* late Earl of *Eſſex*, of the moſt Noble Order of the Garter *Knight*, and Maſter of her Horſe, before that many times done and performed, as for other good cauſes and conſiderations, the ſaid late Lady the Queen then ſpecially moving; As alſo at the humble requeſt of the ſaid late Earl of *Eſſex*, of her ſpecial grace, certain knowledge, and meer motion, gave and granted the Manors aforeſaid with their Appurtenances, amongſt other to the aforeſaid *Gellio Merick*, and *Henry Lindley* then *Eſquires*, and afterwards *Knights*, To have, and to hold the ſaid Manors with the Appurtenances, to the aforeſaid *Gellio Merick*, and *Henry Lindley*, their Heirs and Aſſigns for ever. And the aforeſaid late Lady the Queen, by the ſame her Letters Patents, granted for her, her Heirs, and Succeſſors, That the aforeſaid *Gellio Merick*, and *Henry Lindley*, their Heirs and Aſſigns, ſhould have, and enjoy the aforeſaid Manors with the Appurtenances, according to the intent of the ſaid late Queen, in the ſaid Letters Patents conteined, And that the ſaid Letters Patents ſhould be firm, valid, good, ſufficient and effectual in Law againſt the ſaid Lady the Queen, her Heirs and Succeſſors, as well in all her Courts, as elſewhere within the Kingdom of *England*, without any manner of Confirmations, Licenſes, or Tollerations of the ſaid Lady the Queen, her Heirs and Succeſſors then for ever, by the aforeſaid *Gellio Merick*, and *Henry Lindley*, or their Heirs or Aſſigns to be procured or obteined, Notwithſtanding the Statute in Parliament of the Lord *Henry*, late King of *England* the 8th. in the 37th. yeer of his Reign made, Concerning the Dutchy or *Cornwall*, & Honour of *Newelm*, otherwiſe *Ewelm*, as in and by the ſaid Letters Patents, &c. By virtue of which, the aforeſaid *Gellio Merick*, and *Lindley*, into the aforeſaid Manors with their Appurtenances entred, and were thereof ſeized in their demeſn as of Fee, and ſo thereof being ſeized, By their Writing indented, made between the aforeſaid late Earl of *Eſſex*, *Gellio Merick*, and *Henry Lindley* of the one part, and *Auguſtine Steward*, and *Michael Corſellis*, on the other part, bearing date the

26th. day of *Decem.* in the yeer of the Rign of the ſaid late Lady Q. *Elizabeth* the 38th. in the Court of *Chancery* of the aforeſaid late Queen at *VVeſtminſter* aforeſaid, within 6. Moneths then next following, according to the form of the Statute thereof made and provided, in due manner of Record inrolled, as well in Conſideration of the ſum 3500. pounds, to the aforeſaid late Earl of *Eſſex*, by the aforeſaid *Auguſtine Steward*, and *Michael Corſellis* paid, as for 20. ſhillings to the ſaid *Gellio* and *Henry*, by the aforeſaid *Auguſtine* and *Nicholas* likewiſe paid, bargained and ſold, to the aforeſaid *Auguſtine* and *Michael*, the Manors aforeſaid with the Appurtenances, To have, and to hold, to the ſaid *Auguſtine* and *Michael*, their Heirs and Aſſigns for ever. By virtue of which Bargain, and Sale, and Inrollment, and by force of a certain Statute in the Parliament of the Lord *Henry*, late King of *England* the 8th. the 4th. day of *February*, in the yeer of his Reign the 27th. Of transferring uſes into poſſeſſion, at *Weſtminſter* aforeſaid holden made, and provided, the aforeſaid *Auguſtine* and *Michael*, were ſeized of the Manors aforeſaid with the Appurtenances, in his Demeſn as of Fee, And ſo thereof being ſeized, The ſaid *Auguſtine* and *Michael*, in conſideration of the ſum of 3500. pound, to the aforeſaid *Auguſtine* and *Michael*, by the aforeſaid *John Hele* paid, afterwards of the ſaid Manors with the Appurtenances, enfeoffed them the ſaid *John Hele*, then Serjant at Law, and the aforeſaid *Warwick Hele* then *Eſquire*, now *Knight*, To have, and to hold, to the ſaid *John* and *VVarwick*, and to the Heirs and Aſſigns of the aforeſaid *John*, to the ſole and proper uſe and behoof of the aforeſaid *John* and *Warwick*, and the Heirs and Aſſignes of the ſaid *John Hele* for ever. By virtue of which Feoffment, The aforeſaid *John Hele*, and *Warwick Hele* were, and yet are ſeized of the aforeſaid Manors with the Appurtenances, that is to ſay, The ſaid *John Hele*, in his Demeſn as of Fee, and the aforeſaid *Warwick*, in his Demeſn as of Free hold for the term of his life. And the aforeſaid *John Hele*, and *Warwick Hele*, further ſay, That afterwards, in and by a certain Act of Parliament of the aforeſaid late Queen at *VVeſtminſter* aforeſaid, the 27th. day of *October*, in the yeer of the Reign of the ſaid late Queen *Elizabeth* the 43th. holden, made (amongſt other) reciting, That whereas, the ſaid late Queen, from the 8th. day of *February*, in the yeer of her Reign the 25th. as well for diverſe, and great ſums of Mony, as for diverſe other ſeveral conſiderations, had bargained, ſold, given and granted, by diverſe her Letters Patents, Indentures, or other Writings under the great Seal of *England* ſealed, or the Seal of the Dutchy of *Lancaſter*, or the Seal of the County *Palatine* of *Lancaſter*, as well to Bodies Politick, and Corporate, as to diverſe and ſeveral other Subjects of the ſaid Lady the Queen, diverſe and ſeveral Honors, Manors, Lands, Tenements, Rents, Reverſions, Services, and other Hereditaments in Fee Simple, Fee Tail, for Term of Life, Lives, or Yeers, as by the ſaid ſeveral Letters Patents, Indentures, and other Writings are mentioned and declared; It was enacted by Authority of the ſame Parliament, To the intent that the ſaid Letters Patents, Indentures, and other Writings, ſhould be of good, available, and perfect force and effect, to all and ſingular the ſaid late Queens Subjects, according to the true intent and effect of the ſame; That as well all and ſingular Letters Patents, Indentures, and other Writings, ſealed under the great Seal of *England*, or under the Seal of the Dutchy of *Lancaſter*, or the Seal of the County *Palatine* of *Lancaſter*, before then made and granted, by the aforeſaid late Queen, for any ſum or ſums of Mony whatſoever, or for or upon any other con-

conſiderations whatſoever, from the aforeſaid 8th. day of *February*, in the 25th. yeer aforeſaid, as all other Letters Patents, then after by the ſaid late Queen to be made, for any ſum or ſums of Mony, or other conſiderations before the laſt day of the ſaid then preſent Seſſion of the ſaid Parliament; And moreover, All other Letters Patents, within the ſpace of one yeer then next following, to be made by force, or according to the true puport or true meaning of a Condition under the great Seal of *England*, then in being, for the Sale of the Land of the ſaid late Queen, to any Body Politick, or Corporate, or to any other perſon or perſons whatſoever, of any Honors, Caſtles, Manors, Lordſhips, Granaries, Meſſuages, Lands, Tenements, Meadows, Paſtures, Rents, Reverſions, Services, Woods, Advowſons, Nominations, Patronages, Annuities, Rights, Intereſts, Entries, Conditions, Leaſes, Courts, Liberties, Privileges, Franchiſes, or of any other Hereditaments with the Appurtenances, or of any part or parcel thereof, with or under the Great Seal of *England*, or under the Great Seal of the Dutchy of *Lancaſter*, or the Seal of the County *Palatine* of *Lancaſter*, of whatſoever Kind, Nature, or Quality, they or any of them are, or were reputed, known, or taken, with the Appurtenances, or any part or parcel thereof, ſhould be good, perfect, and effectual in Law, and ſhould ſtand, be taken, reputed, eſteemed, and ſhould be adjudged to be good, certain, perfect, available, and effectual in the Law, againſt the ſaid late Queen, her Heirs and Succeſſors, according to the tenor and effect of the aforeſaid Letters Patents and Indentures, or other Writings, and that the ſame ſhould be expounded, conſtrued, eſteemed, and ſhould be adjudged moſt beneficially for thoſe, to whom the aforeſaid Letters Patents, and Grants thereof ſo are made, their Heirs, Aſſigns, Executors, & Adminiſtrators of them, according to the words and purport of the ſaid Letters Patents, Indentures, or other Writings, without any Confirmations, Licenſes, or Tolleration of the ſaid late Queen, her Heirs or Succeſſors, any ill naming, ill reciting, or not reciting, of the ſaid Honors, Caſtles, Manors, Lands, Tenements, or other the premiſes, or of any part thereof, or any defect in finding of Office or Inquiſition, of and in the premiſes, or any part thereof, by which the Title of the ſaid late Lady the Queen, of and in the premiſes ought to be found, before the publiſhing of the aforeſaid Letters Patents, Indentures, or other Writing, or any ill reciting, or not reciting, of Demiſes thereof made, as well of Record, as not of Record, or any ill reciting, or not reciting, or not true mentioning in any ſuch Lettets Patents, Grants, or Writings of the Eſtate or Eſtates of the ſaid late Queen of Freehold, or Inheritance, of and in the premiſes, or any part thereof, to which the ſaid late Queen, after the beginning of her Reign was, or then after ſhould be intituled, by any Attainder, Eſcheat, Conveiance or Aſſurance whatſoever, and in which Letters Patents, Grants, or Writings, no Eſtate Tail then before made, or ſuppoſed to be made was recited, or from henceforth ſhould be, and the Reverſion or Remainder thereof expectant, in the ſaid Letters Patents, Grants, or Writings, granted, or mentioned to be granted, or any defect of certainty, or ill computing, miſtaking, rating, or ſetting forth of the yeerly value or rate of the premiſes, or yeerly Rents reſerved of and for the premiſes, or any parcel thereof mentioned or conteined in the ſame Letters Patents aforeſaid, or other Writings, or for that that the premiſes then were, or any part thereof valued at a greater or leſſer value, in the ſaid Letters Patents, or Writings, than the ſaid Manors, Lands, Te-

nements, and other premiſes then were, or were in yeerly value, or any miſnaming or not true naming, of Town, Hamblet, Pariſh, or County where the ſaid Honors, Manors, Lands, Tenements, Rents, Hereditaments, and other the premiſes, and every part thereof, or any parcel thereof lay, or were, or any defect of true naming of the Lands, Tenements, or Hereditaments, or any parcel thereof, or of the Nature, Kind, Quality, or Quantity, of the aforeſaid Poſſeſſions, or Hereditaments, or of any parcel thereof, or any default of true naming of any Corporation, or any default of Attornment, Livery, or Seiſin, or any ill naming of any the late Tenants of the aforeſaid Honors, Manors, Lands, Tenements, and Hereditaments, or of any part thereof, ſo ſold, granted, or given, or any ill naming of any perſon or perſons, Bodies Politick, or Corporate, who any time before the making of ſuch Letters Patents, were, or then after ſhould be proprietors of the premiſes, or any any part thereof to the contrary notwithſtanding, as by the ſaid Act amongſt other things it more fully appearh. And the ſaid *John Hele*, and *Warwick* further ſay, That the ſaid late Queen *Elizabeth* never had any Son; And that the aforeſaid *Gellio Merick*, and *Henry Lindley*, were at, and before the time of the making of the ſaid Leters Patents, ſo as before is ſaid made, Subjects of the ſaid late Queen *Elizabeth*, and born at *Weſtminſter* aforeſaid; All and ſingular which, The ſaid *John Hele*, and *Warwick*, are ready to aver; Whereupon they demand Judgement, if the ſaid Letters Patens of the aforeſaid late Queen *Elizabeth*, of the Manors aforeſaid with the Appurtenances, ſo as before is ſaid made, ought to be revoked and annulled, or the Manors aforeſaid, with the Appurtenances, or any of them ought to be ſeized into the Hands of the Lord the King that now is, *&c.* And the aforeſaid *Henry Hobert Knight*, Attorny General of the Lord the King that now is, who, *&c.* preſent in Court in his proper perſon, As to the aforeſaid Plea of the ſaid *Henry Lindley*, above in form aforeſaid pleaded, for the ſaid Lord the King ſaith, That the ſaid *Henry Lindley*, ought not be admitted to plead, That there is not any ſuch Record of any ſuch Act of Parliament, of the aforeſaid Lord King *Edward* the 3d. made; Nor that there is any ſuch Record of the aforeſaid Charter of the ſaid late King *Edward* the 3d. by Authority of Parliament made, as in the aforeſaid Writ of *Scire Facias* thereof is recited and ſpecified. Becauſe he ſaith, That the ſaid Lord King *JAMES*, now King of *England*, ſaw the Inrollment of the aforeſaid Act of Parliament, of the ſaid late King *Edward* the 3d. and of the aforeſaid Charter of the ſaid late King *Edward* the 3d. in the Rolls of the *Chancery* of the King that now is, within his Tower of *London*, in the yeer of the Reign of the aforeſaid late King *Edward* the 3d. the 11th. inrolled, upon Record there remaining. The Tenor of Inrollment of which Act of Parliament, and Charter aforeſaid, the ſaid *JAMES*, now King of *England*, by his Letters Patents under the Great Seal of *England* ſealed, here in Court by the aforeſaid Attorny General of the Lord the King that now is, for the ſaid Lord the King that now is, now brings in Court, bearing date at *Weſtminſter* aforeſaid, the 5th. day of *March*, in the yeer of the Reign of the ſaid Lord the King that now is, of *England*, *France* and *Ireland*, the 3d. and of *Scotland* the 39th. Exemplified amongſt other things, Which Exemplification, as to the Inrollment of the aforeſaid Act of Parliament, and Charter aforeſaid followeth in theſe words. *JAMES* by the Grace of God, of *England*, *Scotland*, *France* and *Ireland*, defender of the Faith, *&c.* To All to whom theſe preſent Letters

ſhall

ſhall come greeting, We have ſeen the Inrollment of a certain Charter, bearing date the 17th. day of *March*, in the yeer of the Reign of the Lord *Edward*, late King of *England* the 11th. To his well-Beloved, and Faithful, *Edward* Earl of *Cheſter*, his Eldeſt Son granted, in the Rolls of our *Chancery*, within the Tower of *London*, remaining of Record in theſe words. *Edward* by the Grace of God, King of *England*, Lord of *Ireland*, and Duke of *Aquitain*, To the Arch-Biſhops, Biſhops, Abbots, Priors, Earls, Barons, Juſtices, Sheriffs, Provoſts, Miniſters, and all Bayliffs, and his faithful People, Greeting, Amongſt other the tokens of Honour of our Kingdom, we eſteemed it the chiefeſt, that the Order of Dignities and Offices of our Kingdom be fortified with the beſt and ſtrongeſt Counſels; Therefore there being many degrees of Inheritance in our Kingdom, where by deſcent the Inheritance, according to the Law of this Kingdom, to Co-heirs, and Parciners, and for want of ſuch iſſue, and ſuch like events, the ſame came to our Hands; We therefore deſiring to beautifie our Kingdom, and in beſt manner to defend our Kingdom, and the holy Church thereof, and our Subjects and Kingdoms againſt the endeavors and Adverſaries thereof, and conſidering and looking that Peace between us and Subjects be maintained, and to dignifie the Places of honour of our Kingdom; And taking into our conſideration the perſon of our well-Beloved, and Faithful *Edward*, Earl of *Cheſter* our Eldeſt Son, and taken to Honour the ſame our Son, the name and Honour of Duke of *Cornwall*, with the common conſent and counſel of the Prelates, Earls, Barons, and others of our Counſel in this preſent Parliament at *Weſtminſter*, upon *Monday* next after the Feaſt of Saint *Mathew* the Apoſtle laſt paſt, being aſſembled, we have given, and made him Duke of *Cornwall*, and girt him with a Sword as behoveth; And that there may be no doubt hereafter what, or how much the ſame Duke, or other Dukes of the ſame place, who for the time ſhall be, in the name of the ſaid Dutchy ought to have. Our Will is, that all in ſpecialty, which to the ſaid Dutchy doth belong, be inſerted in this our Charter; Therefore for us and our Heirs, we have given and granted, and by this our Charter confirmed, to the ſame our Son under the name and Honour of Duke of the ſaid Place, The Caſtles, Manors, Lands and Tenements, and other things under written, That he the State and Honour of the ſaid Duke might uphold, and the charges and burthens thereof the better uphold, that is to ſay, The Sheriffwick of the County of *Cornwall* with the Appurtenances, ſo as the ſaid Duke, and other Dukes of the ſame place for the time being, make and appoint Sheriffs of the ſaid County of *Cornwall* at their will and pleaſures, and to do and execute the Office of Sheriffs there, as heretofore it uſed to be done, without any hindrance of us, or our Heirs for ever. As alſo the Caſtle, Burrough, Manor, and Honour of *Launceſton*, with the Park there, and other, as Appurtenances in the County of *Cornwall*, and *Devonſhire*, The Caſtle and Manor of *Tremeton*, with the Town of *Salteſh*, and the Park there, and other the Appurtenances in the ſaid County, The Caſtle, Burrough, and Manor of *Tintagel*, with the Appurtenances in the ſaid County of *Cornwall*, The Caſtle and Manor of *Reſtormel*, with the Park there, and other the Appurtenances in the ſaid County; And the Manor of *Clymeſtond*, with the Park of *Keriballock*, and other their Appurtenances, *Tibeſte*, with the Balywick of *Powderhine*, and other their Appurtenances, *Twynton* with the Appurtenances, *Helleſton* in *Kerior* with the Appurtenances, *Morſk* with the Appurtenances, *Tevernaile* with the Appurtenan-

ces, *Pengkeſeth* with the Appurtenances, *Penlyn* with the Park there, and other the Appurtenances, *Kellaton*, with the Bedelry of *Eſtwyneſſhire*, and other the Appurtenances, *Helleſton* in *Fryſhire*, with the Park of *Hellesbury*, and other its Appurtenances, *Lyskirett*, with the Park there, and other the Appurtenances, *Caliſtock*, with the Fiſhing there, and other the Appurtenances, and *Tatskid* with the Appurtenances, in the ſaid County of *Cornwall*, And the Town of *Loſtwickiell* in the ſaid County, with the Mill there, and other the Appurtenances; And the Prizage and Cuſtoms of our Wines, in the ſaid County of *Cornwall*, and alſo the Profits of all the Ports within the ſame our County of *Cornwall* to us belonging, together with *Wreck* of the Sea, as well of Whales, and Sturgeon, and other Fiſhes which do belong to us, by reaſon of our Prerogative, and whatſoever belongs to *Wreck* of Sea with the Appurtenances, in our ſaid County of *Cornwall*. And the Profits and emoluments of our County holden in our County of *Cornwall*, And Hundreds and Courts in the ſaid County to us belonging, As alſo our Stannary in the ſaid County of *Cornwall*, together with the Coinage of the ſaid Stannary, and all iſſues and Profits thereof ariſing, And alſo all the Iſſues, Profits, and Perquiſites, to the Court of Stannary, and the Mines of the ſaid County, (except only 1000. Marks which to our well-Beloved, and Faithful, *William de Monte acuto*, Earl of *Salisbury*, we have granted for us and our Heirs, to be taken to him and the Heirs Males of his Body lawfully begotten, of the Iſſues and Profits of the aforeſaid Coinage, until the Caſtle and Manor of *Tenbridge*, with the Appurtenances in the County of *Wilts*, To the Manor of *Aldebourn*, *Ambresbury*, and *VVinterbourn*, with the Appurtenances in the ſaid County, and the Manor of *Caneford* with the Appurtenances in the County of *Dorſet*, and the Manor of *Hengſtrig* and *Charleton*, with the Appurtenances in the County of *Somerſet*, which our Beloved, and Faithful *John de VVarren*, Earl of *Surrey*, and *Johan* his Wife hold, for the term of their life, and which after their deaths to us and our Heirs, ought to return after the deceaſe of the ſaid Earl and *Johan*, to the aforeſaid Earl of *Salisbury*, and the Heirs Males of his Body lawfully begotten, to the value of 800. Marks by the yeer, we granted to remain, and 200. Marks of Land and Rent, which to the ſaid Earl of *Salisbury* to have in form aforeſaid, we granted to be, provided came to our Hands.) And alſo our Stannary in the aforeſaid County of *Devon* with the Coinage, and all Iſſues and Profits of the ſame: And alſo the Exites, Profits, and Perquiſites of the ſaid Court of Stannary, And the Water of *Dertmouth* in the ſaid County; And the yeerly farm of 20. pound of our City of *Exeter*, and the Prizage and Cuſtoms of our Wines, in the Water of *Sutton*, in the ſaid County of *Devon*; As alſo the Caſtle of *Wallingford*, with its Hamblets and Members, and the yeerly Farm of the Town of *VVallingford*, with the Honors of *Wallingford*, and *De Sancto Walerico*, with the Appurtenances in the County of *Oxford*, and other Counties whereſoever thoſe Honours were, And the Caſtle, Manor, and Town of *Berkhamſtead*, with the Port there, together with the Honour of *Berkhamſtead*, in the Counties of *Hertford*, *Buck.* and *Northampton*, and other their Appurtenances, And the Manor of *Biſſet*, with the Park there, and other the Appurtenances in the County of *Surrey*. To have, and to hold to the ſaid Duke, and of him, and his Heirs, Kings of *England*, Eldeſt Sons, and Dukes of the ſaid place in the Kingdom of *England*, by Inheritance to ſucceed, together with Kingly Fees, Advowſons of Churches

Churches, Abbies, Priories, Hoſpitals, Chapels, and with Hundreds, Fiſhings, Forreſts, Chaſes, Woods, Warrens, Fairs, Markets, Liberties, Free Cuſtoms, Wards, Reliefs, Eſcheats, and Services of Tenants, as well Free, as Villeins, and all other things to the aforeſaid Caſtles, Burroughs, Towns, Manors, Honours, Stannaries and Coinage, Lands and Tenements, howſoever and whereſoever belonging or appertaining, of us and our Heirs for ever, together with 24. pound of yeerly Farm, which our well-Beloved and Faithful *John de Merz*, to us by the yeer, for all his life is bound to pay for the Caſtle and Manor of *Mere*, with the Appurtenances in the County of *Wilts*, granted to him by us for the Term of his life, to be taken every yeer by the Hands of the ſaid *John*, for the Term of his Life, and with the aforeſaid 1000. Marks yeerly, to the aforeſaid Earl of *Surrey*, of the iſſues of the Coinage aforeſaid, by us ſo granted after obteined, by him, or his Heirs Males of his Body to be begotten, ſeiſin of the ſaid Caſtle and Manor of *Tunbridge*, and the Manors of *Aldebourn*, *Ambresbury*, *Winterborn*, *Caneford*, *Hengſtrigg*, *Charleton*, after the deaths of the ſame Earl of *Surrey*, and *Johan*, And the ſaid 200. Marks Land and Rent to the ſaid Earl of *Salisbury*, and the Heirs Males of his Body begotten, ſo provided, for the proportion of the ſaid Caſtles, Manors, Lands and Tenements, with the whole, and particularities to the Hands of the ſaid Earl of *Salisbury*, and the Heirs Males of his Body ſhould come; We have moreover granted, for us and our Heirs, and by this our Charter we have confirmed, That the Caſtle and Manor of *Knaresburgh*, with the Hamblets and Members thereof, and the Honour of *Kneasbough*, in the County of *York*, and other Counties whereſoever the ſame Honour ſhould be; The Mannor of *Iſtleworth*, with the Appurtenances in the County of *Middleſex*, which *Philippa* Queen of *England*, our moſt dear Conſort holdeth for Term of Life; And the Caſtle and Manor of *Lydeford* with the Appurtenances, and with the Chaſe of *Dertmore* with the Appurtenances in the ſaid County of *Devon*, And the Manor of *Bradneſts* with the Appurtenances in the ſaid County, which our Beloved and Faithful *Hugh de Audley*, Earl of *Glouceſter*, and *Margaret* his Wife, have for the Life of the ſaid *Margaret*, And the ſaid Caſtle and Manor of *Mere* with the Appurtenances, which the aforeſaid *Johan*, ſo for Life holdeth by our Grant, and which after the death of the ſaid Queen, *Margaret*, and *Johan*, to us and our Heirs ought to revert, after the deceaſe of the aforeſaid Queen aforeſaid, that is to ſay, the Caſtle and Manor of *Knaresburgh*, with the Honours, Hamblets, and Members thereof aforeſaid, and other their Appurtenances, and the Manor of *Iſtleworth* with the Appurtenances; And after the death of the ſaid *Margaret*, the ſaid Caſtle and Manor of *Lydeford*, with the ſaid Chaſe of *Dertmore*, and other the Appurtenances, and the Manor of *Bradneſts* with the Appurtenances, and after the death of the ſaid *Johan*, the ſaid Caſtle and Manor of *Mere* with the Appurtenances. ſhall remain to the aforeſaid Duke, and of him and his Heirs, Kings of *England*, Eldeſt Sons, and Dukes of the ſaid place, in the Kingdom of *England* hereditarily, to ſucced as before is ſaid, To have and to hold, together with Knights Fees, Advowſons of Churches, Abbies, Priories, Hoſpitals, Chapels, and with Hundreds, Wapentakes, Fiſhings, Forreſts, Chaſes, Parks, Woods, Warrens, Fairs, Markets, Liberties, Free Cuſtoms, Wards, Reliefs, Eſcheats, Services of Tenants, as well Free, as Villeins, and all others to the ſame Caſtles, Manors, and Honours, howſoever and whereſoever belonging or appertaining, of his likewiſe, and

our Heirs for ever; All which Caſtles, Burroughs, Towns, Manors, Honours, Stannaries, Coinage, Fine of *Exeter*, and *Wallingford*, Lands and Tenements, as above are ſpecified, together with the Fees, Advowſons, and all other things aforeſaid, to the aforeſaid Dutchy by our preſent Charter, for us and our Heirs, we do annex and unite to the ſame for ever to remain. So that from the ſaid Dutchy, at no time they be any waies ſevered, nor to any one or other than Dukes of the ſame place, by us, or our Heirs they be given, or any manner of way granted; So alſo as that to the aforeſaid Duke, and other Dukes of the ſame place they do deſcend, and to the Son or Sons, to whom the ſaid Dutchy, by colour of our Grant aforeſaid it ſhall belong, then not appearing, the ſaid Dutchy, with the Caſtles, Burroughs, Towns, and all other the aboveſaid, to us or our Heirs, Kings of *England*, ſhall retorn in our Hands, and in the Hands of our Heirs Kings of *England*, to be kept until ſuch Son or Sons, of the ſaid Kingdom of *England* Heirs to ſucceed appear, as it is ſaid, to whom, then ſucceſſively, the ſaid Dutchy with the Appurtenances, for us and our Heirs, we Grant, and will, that they be delivered to hold, as above is expreſſed. We have moreover, for us and our Heirs, and by this our Charter we have confirmed to the aforeſaid Duke, that the ſaid Duke, and the Heirs of him, Eldeſt Sons, Dukes of the ſame for ever, have free Warren in all the Lordſhips, Manors, Caſtles, Lands and other places aforeſaid, ſo as the ſaid Lands be not within the Bounds of our Forreſts; And that none enter into them, to hunt in them, or to take any thing which to Warren appertaineth, without the Licenſe & Will of the ſaid Duke, or other Dukes of the ſame place, upon pain of Forfeiture of 10. pound. Wherefore we Will, and firmly Command, for us and our Heirs, That the ſaid Duke have and hold to him and his Heirs, Eldeſt Sons of the Kings of *England*, and Dukes of the ſaid place, in the ſayd Kingdom of *Engla.* inheritable to ſucceed, The aforeſaid Sheriffalty of the aforeſaid County of *Cornwall* with the Appurtenances; So that they, and others, Dukes aforeſaid, at their Wills make and conſtitute, the Sheriff aforeſaid, of the ſaid County of *Cornwall*, to do and execute the Office of Sheriff there, as hitherto it uſed to be done, without the hindrance of us, or our Heirs for ever; As alſo the aforeſaid Caſtles, Burroughs, Manors, and Honours of *Launſeton*, The Caſtle and Manor of *Tremeton*, with the Town of *Salteſh*, the Caſtle, Burrough, and Manor of *Tintagel*, the Caſtle and Manor of *Reſtornel*, and the Manors of *Clymeſlond*, *Tebeſte*, *Tewynton*, *Helleſton* in *Kerier*, *Moresk*, *Tewarnayl*, *Pengkneth*, *Pentyn*, *Rellaton*, *Helleſton* in *Trigſtone*, *Vyſkiret*, *Caliſtock*, *Talskid*, and Town of *Loſwithel* with the appurtenances, together with the Parks, Bayliwicks, Bedelrie, Fiſhings, and others aforeſaid, in the aforeſaid County of *Cornwall*, and the aforeſaid Priſages, Cuſtoms, and profits of Ports aforeſaid, together with the ſaid *Wreck* of Sea, and the ſaid profits and emoluments with the Hundreds, and Courts aforeſaid to us belonging, and the ſaid Stannary in the ſaid County of *Cornwall*, together with the Coinage of the ſaid Stannary, and with all iſſues and profits thereof ariſing, And alſo the explees, profits, and perquiſites, of the Courts aforeſaid (except only the ſaid 1000. Marks, which to our well-Beloved *William de Monte acuto*, Earl of *Salisbury*, we granted for us and our Heirs, to be taken to him, and the Heirs Males of his Body lawfully begotten, of the iſſues and profits of the Coinage aforeſaid, until the ſaid Caſtle and Manor of *Tunbridge* with the Appurtenances, and the ſaid Mannors of *Aldebourn*, *Ambresbury*, and *Winterbourn*, with

with the Appurtenances, and the ſaid Manor of *Hengſtrig*, and *Charleton* with the Appurtenances, which the aforeſaid Earl of *Surrey*, and *Johan* his Wife, hold for the term of their Lives, and which after their deaths, to us and our Heirs, ought to revert, after the deceaſes of the ſaid Earl and *Johan*, to the ſaid Earl of *Salisbury*, and the Heirs Males of his Body lawfully begotten, to the value of 800. Marks by the yeer we have granted to remain; And the ſaid 200. Marks Land and Rent, which to the ſaid Earl of *Salisbury*, To have in form aforeſaid we granted, come unto our Hand (as before is ſaid) And the ſaid Stannary in the County of *Devon*, with the Coinage, and all iſſues and profits thereof; And alſo the explees, profits, and perquiſites, of the Court of the ſame Stannary, Water of *Dertmouth*, and the ſaid yeerly Farm of 20. pound, of the ſaid City of *Exeter*, and the ſaid Prizage and Cuſtom of Wines, in the Water of *Sutton*, in the ſaid County of *Devon*; As alſo the aforeſaid Caſtle of *Wallingford*, with Hamblets and Members thereof, the yeerly Farm of the Town of *Wallingford*, with the ſaid Honour of *Wallingford*, and *De Sancto Valerico*, The Caſtle, Manor, and Town of *Berkhamſtead*, with the ſaid Honour of *Berkhamſtead*, and the Manor of *Biſlet*, with the Parks and other their Appurtenances aforeſaid, together with Knights Fees, Advowſons of Churches, Abbies, Priories, Hoſpitals, Chapels, and with the Hundreds, Fiſhings, Forreſts, Chaſes, Parks, Woods, Warrens, Fairs, Markets, Liberties, Free Cuſtoms, Wards, Reliefs, Eſcheats, and Services of Tenants, as well Free as Villeins, and all other things to the ſaid Caſtles, Burroughs, Towns, Manors, Stannaries, and Coinage, Lands and Tenements, whatſoever and whereſoever belonging or appertaining, of us & our Heirs for ever, together with ſaid 24. pound Farm, which the aforeſaid *John de Mere* to us yeerly, for his whole Life is bound to pay, for the ſaid Caſtle and Manor of *Mere*, granted to him by us, to hold for the term of his Life, to be taken yeerly by the Hands of the ſaid *John de Mere* all his Life; And alſo with the aforeſaid 1000. Annual Marks, to the aforeſaid Earl of *Salisbury*, of the profits of the Coinage aforeſaid, by us ſo granted, after obteined by him, or the Heirs Males of his Body begotten, ſeiſin of the aforeſaid Manor of *Tonbridge*, and Manor of *Aldebourn*, *Ambresbury*, *Winterbourn*, *Caneford*, *Hengſtreg*, and *Charlton*, after the deceaſe of the ſaid Earl of *Surrey* and *Johan*; And the ſaid 200. Marks, of Land and Rent of the ſaid Earl of *Salisbury*, and the ſaid Heirs Males of his Body ſo provided, for the like proportion of the ſaid Caſtles, Manors, Lands and Tenements, with the whole, and particulars, to the Hands of the ſaid Earl of *Salibury*, or the Heirs Males of his Body lawfully begotten, ſhould come as aforeſaid; And that the aforeſaid Caſtle and Manor of *Knaresburgh*, with its Hamblets and Members, and the Honour of *Knaresburgh*, And the Manor of *Iſtelworth* with the Appurtenances, after the death of our aforeſaid Conſort, The Caſtle and Manor of *Lydeford* with the Appurtenances, and with the ſaid Chaſe of *Dertmore* with the Appurtenances, and the Manor of *Bradneſts* with the Appurtenances, after the deceaſe of the aforeſaid *Margaret*, And the Caſtle and Manor of *Mere* with their Appurtenances, after the death of the aforeſaid *John de Mere*, remain to the ſaid Duke; To have and to hold to him and his Heirs, Eldeſt Sons of the Kings of *England*, and Dukes of the ſame place in the Kingdom by Inheritance to ſucceeed, together with Knights Fees, Advowſons of Churches, Abbies, Priories, Hoſpitals, Chapels, and with Hundreds, Wapentakes, Fiſhings, Forreſts, Chaſes, Parks, Woods, Warrens, Fairs, Markets,

Liberties, Free Cuſtoms, Wards, Reliefs, Eſcheats, and Services of Tenants, as well Free as Villeins, and all other things to the ſaid Caſtles, Manors, Honours, howſoever and whereſoever belonging or appertaining, of us likewiſe, and our Heirs for ever as before is ſaid, All which Caſtles, Burroughs, Towns, Manors & Honours, Stannaries & Coinage, Farms of *Exeter*, and *Wallingford*, Lands, Tenements, as above are ſpecified, together with Knights Fees, Advowſons and all other things abovelaid, to the ſaid Dutchy by this our preſent Charter, for us and our Heirs, we do annex and unite, to the ſame to remain for ever. So as from the ſaid Dutchy, at no time hereafter they be ſevered, nor to any perſon or perſons then the Dukes of the ſame place, by us or our Heirs they be given, or in any wayes granted; So that to the aforeſaid Duke, or other Dukes of the ſame place they deſcend, And Son or Sons to whom the ſaid Dutchy, by colour of the aforeſaid our Grants it behoves to belong then not appearing, The ſame Dutchy with the Caſtles, Burroughs, Towns, and all other things aforeſaid, to us, and our Heirs Kings of *England* ſhall revert, in our Hands, and in the Hands of our Heirs to be kept, until ſuch Son or Sons, in the ſaid Kingdom of *England* hereditable ſucceſſively appear, as is ſaid, to whom ſucceſſively the ſaid Dutchy with the Appurtenances, for us and our Heirs we grant, and will to be delivered, to be holden as above is expreſſed. And that the ſaid Duke and his Heirs, Eldeſt Sons, Dukes of the ſaid place for ever, have Free Warren in all the Demeſns of the Lands aforeſaid, whileſt yet the ſame Lands are not within the Bounds of our Forreſts; So as none enter into thoſe Lands to hunt in them, or to take any thing which to Warren belongeth, without the Licenſe and Will of the ſaid Duke, and the other Dukes of the ſaid place, upon payn of forfeiture 10. pound, as before is ſaid, Theſe being Witneſſes, The moſt Reverend Fathers *John* Archbiſhop of *Canterbury*, Primate of all *England* our Chancellor, *Henry* Biſhop of *Lincoln*, *Richard* Biſhop of *Durham*, *John de Warren* Earl of *Surrey*, *John de Betto Campo* Earl of *Warwick*, *Thomas Wake* of *Lydel*, *John de Mowbray*, *John Darcy* of *Neuen*, Steward of our Houſe, and others, Given by our Hand at *Weſtminſter* the 17th. day of *March*, in the yeer of our Reign the 11th. By the King himſelf and the whole Council in Parliament. But we, The Tenor of the Charter, Record, and Act of Parliament aforeſaid, at the Requeſt of the well-Beloved and Faithful *Thomas Stephens Eſquire*, Attorny General of our well-Beloved, and moſt dear Son, our Eldeſt Son *Henry*, Prince and Duke of *Cornwall*, cauſed to be Exemplified by theſe preſents. In Witneſſe whereof we made theſe our Letters Patents, Witneſſe my ſelf at *Weſtminſter* the 5th. day of *March*, in the yeer of our Reign of *England*, *France* and *Ireland* the Third, and of *Scotland* the 39th. as by the ſaid Letters Patents of Exemplification aforeſaid here in Court brought more fully appeareth. And the ſaid *Henry Hobert* Attorny General of the ſaid Lord the King that now is, for the ſaid Lord the King that now is ſaith, and will aver, That the aforeſaid Act of Parliament aforeſaid, of the aforeſaid late King *Edward* the 3d. made, and the aforeſaid Charter, by the aforeſaid late King *Edward* the 3d. by authority aforeſaid, of the Parliament of the ſame late K. *Ed.* the 3d. made, And the aforeſaid Charter, by the aforeſaid late K. *Ed.* the 3d. by Authority of Parliament aforeſaid made, whereof is the Inrolment aforeſaid, & in the aforeſaid Exemplification of the Inrollment aforeſaid, as before is ſaid, is made mention, are one and the ſame, and not other nor divers; Whereupon the ſaid Attorny General of the ſaid Lord the King

that now is, for the ſaid Lord the King here demandeth Judgement, If the aforeſaid *Henry Lindley*, to ſay, that there is not any ſuch Record of ſuch Act of Parliament aforeſaid, of the aforeſaid late King *Edward* the 3d. Nor that there is any ſuch Record of the aforeſaid Charter, by the ſaid late King *Edward* the 3d. by Authority of the Parliament aforeſaid, in the Writ aforeſaid of *Scire Facias* ſpecified, againſt the ſaid Letters Patents of Exemplification aforeſaid, here in Court, by the ſaid Attorny of the aforeſaid Lord the King that now is, for the ſaid Lord the King now ſhewed forth, ought to be admitted. And further, the ſaid *Henry Hobert*, the Attorny General of the ſaid Lord the King that now is, for the ſaid Lord the King prayeth that the ſaid Letters Patents of the aforeſaid late Queen *Eliz.* as unto the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph* with the Appurtenances, be revoked and annulled, and that the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph* with the Appurtenances, into the Hands of the ſaid Lord the King that now is, to be taken and ſeized: And the aforeſaid *Henry Hobert*, Attorny General of the ſaid Lord the King that now is, who, *&c.* As to the ſaid Plea of the aforeſaid *John Hele*, and *Warwick Hele*, by them above in form aforeſaid pleaded, for the ſaid Lord the King ſaith, That that Plea, and the matter therein conteined, is not ſufficient in Law to maintain, That the aforeſaid Letters Patents, of the aforeſaid late Queen *Elizabeth*, of the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph*, ought not to be revoked and annulled, or that the Manor aforeſaid with the Appurtenances, into the hands of the ſaid Lord the King that now is, ought not to be ſeized. To which Plea in manner and form aforeſaid pleaded, The ſaid Attorny General for the ſaid Lord the King needeth not, nor by the Law of the Land is bound to Anſwer, And this he is ready to aver; Wherefore for want of a ſufficient Plea, of the ſaid *John Hele*, and *Warwick Hele* in this behalf, The ſaid Attorny General for the ſaid Lord the King demandeth Judgement, and that the ſaid Letters Patents of the aforeſaid late Queen *Elizabeth*, of the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph* with the Appurtenances made, be revoked and annulled, And the Manors aforeſaid with the Appurtenances, be taken and ſeized into the Hands of the Lord the King, *&c.* Upon which the aforeſaid *Henry Lindley* ſaith, That the Plea of the aforeſaid Attorny General, for the ſaid Lord the King that now is, to the Plea of the ſaid *Henry Lindley*, above by Replication pleaded, and the matters therein conteined, are not ſufficient for him the ſaid *Henry Lindley*, to ſay, That there is not any ſuch Record of any ſuch Act of Parliament, of the aforeſaid late King *Edward* the 3d. made, as in the aforeſaid Writ of *Scire Facias* thereof is recited and ſpecified; Nor that there is any ſuch Record of the aforeſaid Charter, by the ſaid late King *Edward* the 3d. by Authority of the Parliament aforeſaid made, as in the aforeſaid Writ of *Scire Facias* thereof above is recited and ſpecified to Bar, And that the ſaid *Henry Lindley*, to that Plea in manner aforeſaid by Replication pleaded, needeth not, nor by the Law of the Land is bound to rejoyn, And this he is ready to aver; Wherefore for want of a ſufficient Replication in his behalf, the ſaid *Henry Lindley* as at firſt demandeth Judgement, If the aforeſaid Letters Patents of the aforeſaid late Queen *Elizabeth*, of the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph* with the Appurtenances made, ought to be annulled, or the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph* with the Appurtenances, or any of them ought to be taken & ſeized into the hands of the Lord the King that now is,

And the aforeſaid *John Hele* and *Warwick Hele* for themſelves ſay, that in as much as they ſufficient matter in their plea aforeſaid, by them above pleaded, have alleged, that is to ſay, the aforeſaid ſeiſin of the aforeſaid late Queen *Elizabeth*, of the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph* with the Appurtenances in her demeſn as of Fee, in the right of her Crown of *England*, and the grant aforeſaid, by the aforeſaid Letters Patents of the ſaid late Queen, and the reſt of the Matters by them above pleaded, which the aforeſaid *John Hele*, and *Warwick* are ready to aver, which matter the aforeſaid Attorny General of the Lord the King that now is, doth not deny, nor to the ſame any waies anſwereth, but the ſame averment to admit altogether refuſeth, as at firſt demand Judgment, if the aforeſaid Letters Patents of the aforeſaid late Queen *Elizabeth* of the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph*, with the Appurtenances made, ought to be revoked and annulled, or the ſaid Manors with the Appurtenances, or any of them, in the hands of the ſaid Lord the King that now is, ought to be taken or ſeiſed. And farther for the better information, and to more fully inform the ſaid Lord the King that now is, and the Court here, of the State of the ſaid Lord the King that now is, to the aforeſaid Dutchy of *Cornwall*, and to other Manors to the ſaid late Dutchy any maner of way belonging or annexed, or part or parcel thereof, The ſaid *John* and *Warwick* ſay, that in the Statute in Parliament, of the Lord *Henry* late King of *England* the 7th. held, at *Weſtminſter* in the County of *Middleſex* the 7th. day of *November*, in the firſt yeer of his Reign, made, amongſt other things ordayned, It was enacted and eſtabliſhed by authority of Parliament, that the ſaid Lord King *Henry* the 7th. ſhould have, hold, enjoy and poſſeſs, to him and his Heirs for ever, from the 21th. day of *Auguſt* then laſt paſt, the aforeſaid Dutchy of *Cornwal*, and all and ſingular Honors, Caſtles, Lordſhips, Manors, Lands, Tenements, Rents, Reverſions, Services, Poſſeſſions, Advowſons, and other Hereditaments, with all and ſingular their members, and appurtenances, to the aforeſaid Dutchy belonging and appertaining, or which were belonging, annexed, reputed or taken, parcel of the ſame any time of the Reigns of *Henry* the 6th. *Edward* the 4th. late Kings of *England*, in as ample and large manner with all liberties, Franchiſes, and other things to the ſame belonging, in like manner, form, and condition, as the aforeſaid Kings or either of them had, held, occupied, uſed, or enjoyed, or had held, occupied, was uſed and enjoyed in the ſame, in any time during the ſaid Kings Reigns, as in the Statute aforeſaid, in the yeer of the Reign of the aforeſaid late King *Henry* the 7th. the firſt aboveſaid, amongſt other things it is more fully contained, and appeareth: By which the ſaid King *James*, now King, was and yet is ſeiſed of the reſt of the Manors, Lands, and Tenements, to the aforeſaid Dutchy of *Cornwall* belonging, by the aforeſaid late Queen *Elizabeth* not aliened, in his demeſn as of Fee, in the Right of his Crown of *England*, whereupon they pray that the Court here, take knowledge and notice of the aforeſaid Statute in the yeer of the Reign of the aforeſaid late King *Henry* 7th. the firſt aboveſaid made, and of the aforeſaid Statute of the ſaid Lord the King that now is, to the reſt of the Manors, Lands, Tenements, and Hereditaments, to the aforeſaid Dutchy of *Cornwal* belonging, they would take and accept, *&c.* And the aforeſaid *Henry Hobert* Attorny General of the aforeſaid Lord the King that now is, who, &c. as to that, whereupon the aforeſaid *Henry Lindley* above demurreth in Law, in

as much as, he ſufficient matter in Law, for the ſaid Lord the King to bar the aforeſaid *Henry Lindley* from ſaying, that there is not any ſuch record of any ſuch Act of Parliament, of the aforeſaid late King *Edward* the 3d. made, nor any ſuch Record of the aforeſaid Charter by the ſaid late King *Edward* the 3d. by authority of Parliament aforeſaid, made, as in the aforeſaid Writ of *Scire Facias*, thereof it is recited and ſpecified, above alleged, which matter the aforeſaid *Henry Lindley* doth not deny, nor to the ſame any waies anſwereth, but that averment to admit utterly refuſeth, the ſaid Attorny General of the ſaid Lord the King that now is, for the ſaid Lord the King that now is demandeth Judgment, and that the aforeſaid Letters Patents, of the aforeſaid late Queen *Elizabeth*, of the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph*, with the Appurtenances made, be revoked and annulled, and that the ſaid Manors with the Appurtenances into the hands of the Lord the King that now is, be taken and ſeiſed, *&c.* And becauſe the Court of the Lord the King that now is here, will aviſe off and upon the premiſes, before it proceedeth to Judgment thereof, day is given as well to the aforeſaid *Henry Hobert* Knight, Attorny General of the ſaid Lord the King that now is, who, *&c.* as to the aforeſaid *Henry Lindley*, *John Hele*, and *Warwick Hele*, before the ſaid Lord the King that now is, in the ſaid Court here, untill in 8. days of St. *Hilary* next, *&c.* whereſoever, *&c.* to hear their Judgment thereof, becauſe the ſaid Court hereof, thereof not yet, *&c.* At which day of 8. days of Saint *Hillary*, that is to ſay, at *Weſtminſter* aforeſaid, come as well the aforeſaid *Henry Hobart* Knight, Attorney General of the ſaid Lord the King that now is, who, *&c.* in his proper perſon, as the aforeſaid *Henry Lindley*, *John Hele*, and *Warwick Hele*, by their Attorny aforeſaid, and upon this the Attorny General of the Lord the King that now is, as at firſt demandeth Judgment, and that the aforeſaid Letters Patents, of the aforeſaid Manors of *Weſt Taunton*, *Trelowia*, and *Landalph*, with the appurtenances in form aforeſaid made, be revoked and annulled, and that the ſaid Manors with the Appurtenances into the hands of the Lord the King, that now is, be taken and ſeiſed, *&c.* And becauſe the ſaid Court of the Lord the King that now is, here, will farther aviſe before that it proceed to Judgment thereof, day farther is given as well to the aforeſaid *Henry Hobert* Knight, Attorny General of the ſaid Lord the King that now is, who *&c.* as to the aforeſaid *Henry Lindley*, *John Hele*, and *Warwick Hele*, here untill in 15 days of *Eaſter* next, *&c.* whereſoever, *&c.* to hear their Judgment thereof, becauſe the ſaid Court of the Lord the King that now is here, thereof not yet, *&c.*

SCIRE FACIAS.

Easter Term. 21. *Eliz.* *Rot.* 1. The Record of the Case of *Mark Steward*, vouched in Co. 9th. part in Sr. *George Reynels* Case, fol. 99. b.

MEmorandum, that *Thomas Bromley* Knight, Chauncellor of the Queen, *Monday* next after the Morrow of the *Ascension* of our Lord, this Term before the Lady the Queen at *Westminster*, by his own hand delivered here into the Court, a certain Record before the Lady the Queen, had in her Chancery, in these words, Pleas before the Lady the Queen at *Westminster*, in the Term of *Easter*, in the yeer of the Reign of *Elizabeth*, by the grace of God, Queen of *England*, *France*, and *Ireland*, defender of the Faith, *&c.* the 21th. *Middlesex.* *ff.* It is manifest, that the Lord *Philip*, and the Lady *Mary*, late King and Queen of *England*, Sister of the Lady the Queen that now is, for them, the Heirs and Successors of the said Lady Queen *Mary*, by the Letters Patents of them the said late King and Queen, *Philip*, and *Mary*, made under the great Seal of *England*, bearing date at *Westminster*, the 23th. day of *September*, in the 3. and 4th. yeer of the said late King *Philip*, and *Mary*, gave and granted to one *Mark Steward* gen. the Office of Sergeant at Arms, of them the said late King and Queen, *Philip*, and *Mary*, attendant upon her Chauncellor of *England*, for the time being, and made, ordayned, and appointed by the said Letters Patents, him the said *Mark*, their Sargeant at Arms, to have and enjoy the said Office, to the said Mark, for the Term of his life: and that the said King *Philip*, and Queen *Mary*, for them, the Heirs and Successors of the said Queen *Mary*, by the same Letters Patents, gave and graunted to the said *Mark*, for the exercising and occupying the said office aforesaid, the wages and Fee of 12. pence by the day, To have, hold, and receive yeerly the said wages, and Fee of 12. pence to the said *Mark*, for the Term of his life, of the Issues and profits of the Hamper, of the said late King *Philip*, and Queen *Mary*, by the hands of the Clerk, or Keeper of the aforesaid Hamper, for the time being, yeerly to be paid, as by the said Letters Patents amongst other, it more fully appeareth: By colour of which Letters Patents the said *Mark* was seised of the Office aforesaid, as of Freehold, for the term of his life; And whereas also, it is found by a certain Inquisition Indented, taken at *VVestminster* in the County of *Middlesex* the 24th. day of *June*, in the yeer of the Reign of the said Lady the Queen that now is, the 19th. before *Kalph Hurlestone* Esquire, *John Muthal* Esquire, *Francis Folyat* Esquire, and *John Stratham* Gent. By virtue of a Commission of the said Lady the Queen that now is, to them, and to one *John Goodman* directed, by the Oaths of 12. men, That the said *Mark* did not serve in the said Office of Sergeant at Arms, according to the effect and Tenor of the aforesaid Letters Patents, to him made, from the 8th. day of *October*, in the yeer of the Reign of the said Lady the Queen that now is, unto the first day of *February* then next past, before the Inquisition aforesaid, but for all that time absented himself from that Office, as by the said Inquisition

Inquiſition returned in the Court of the Chancery of the ſaid Lady the Queen, as in the files of Record there remaining it appeareth: And now at this day, that is to ſay, the 7th. day of *May*, in the yeer of the Reign of the ſaid Lady the Queen that now is, the 21th. cometh the aforeſaid *Mark Steward*, into the Chancery of the ſaid Lady the Queen now is at *Weſtminſter*, by *Edward Cockel* his Attorny, and complaineth, that by reaſon, and colour of the Inquiſition aforeſaid, himſelf to be unjuſtly removed from the exerciſing and holding of his ſaid Office aforeſaid, Becauſe, By Proteſtation, that the ſaid Inquiſition is not ſufficient in Law, to remove him the ſaid *Mark*, from the exerciſing of his Office aforeſaid; for the ſhewing of his right in this behalf, the ſaid *Mark* ſaith, that the ſaid Lady the Queen that now is, long after the making of the ſaid Letters Patents, that is to ſay, the laſt day of *Nov.* in the yeer of her Reign the 11th. at *Weſtminſter* in the County of *Midd.* gave licenſe to the ſaid *Mark*, to abſent himſelf from the exerciſing his Office, during the pleaſure of him the ſaid *Mark*, until he was commanded by her the ſaid Lady the Queen that now is, to ſerve in his Office aforeſaid; By virtue of which Licenſe of the ſaid Lady the Queen, to the aforeſaid *Mark* as afore is ſaid, the ſaid *Mark* by the whole time of his abſence, ſpecified in the Inquiſition aforeſaid, abſented himſelf from the exerciſing of his ſaid Office aforeſaid; And further the ſaid *Mark*, for further ſhewing of his Right ſaith, That he now is, and always from the aforeſaid time of removing him from the Exerciſing of his Office aforeſaid, was ready, and often time offered himſelf to ſerve in his Office aforeſaid, And that as yet from the time of the Licenſe of the ſaid Lady the Queen, of abſenting himſelf to the ſaid *Mark* made, the ſaid Lady the Queen that now is, had not commanded him to ſerve in his Office aforeſaid. Without that, that the ſaid Lady the Queen that now is, hath any other Right or Title, in or to the Office aforeſaid, than as before above it is alleged; And without that, That there is any ſuch Record, beſides the Record of the Inquiſition aforeſaid, which makes or ſhewes, or can make or ſet forth, any Title of the ſaid Lady the Queen that now is, in or to the Office aforeſaid; All and ſingular which, the ſaid *Mark* is ready to aver, as the Court here ſhall award, and therefore he demandeth Judgement, and that to the poſſeſſion and exerciſing of his Office aforeſaid, together with the Wages and Fee aforeſaid, and to the iſſues and profits to the ſaid Office due and belonging, from the time of his removing from the ſaid exerciſing of his Office aforeſaid be reſtored, *&c.* And *Gilbert Gerrard*, Attorny General of the Lady the Queen that now is, who proſecuteth for the ſaid Lady the Queen in this behalf ſaith, That by any thing by the ſaid *Mark Steward*, above in pleading alleged, The ſaid Lady the Queen of her Right and Title, in or to the Office aforeſaid, ought not to be barred; Becauſe he ſaith, That the ſaid Lady the Queen did not give Licenſe to the ſaid *Mark*, to abſent himſelf from the exerciſing of his Office aforeſaid, at the pleaſure of him the ſaid *Mark*, until he were Commanded by the ſaid Lady the Queen to ſerve in his ſaid Office aforeſaid, in manner and form, as the aforeſaid *Mark* in his ſhewing of his Right, to the Office aforeſaid above alleged; And this, the ſaid Attorny of the ſaid Lady the Queen that now is, for the ſaid Lady the Queen prayeth, it be enquired of by the Country; And the aforeſaid *Mark* likewiſe. Therefore day is given before the ſaid Lady the Queen that now is, in the Morrow of the Aſcenſion of our Lord, whereſoever ſhe ſhould be in *England*, to do and receive what was juſt in the premiſes;

miſes; And it is commanded to the Sheriff of *Middleſex*, That he cauſe to be here before the Lady the Queen at that day 12. good and lawful men of the Vicinage of the City of *Weſtminſter*, who are not of Kindred or Affinity of the ſaid *Mark*, To Recognize upon their Oath more fully the truth of the premiſes; At which Morrow of the Aſcenſion of our Lord, before the Lady the Queen at *Weſtminſter*, come as well the aforeſaid *Gilbert Gerrad*, who proſecutes, *&c.* as the aforeſaid *Mark Steward*, by *John Manning* his Attorny. And the Sheriff retorns the names of 12. whereof none, *&c.* Thtrefore it is commanded to the Sheriff, That he do not omit, *&c.* but that he deſtrein them by all their Lands, *&c.* And that of the Iſſues, *&c.* And that he have their Bodies before the Lady the Q. in 8. dayes of the *Holy Trinity*, whereſoever, *&c.* To Recognize in form aforeſaid, *&c.* And the ſame day is given as well to the aforeſaid *Gilbert Gerrard*, who proſecutes, *&c.* as to the aforeſaid *Mark Steward*, *&c.* At which 8. dayes of the *Holy Trinity*, before the Lady the Queen at *Weſtminſter*, come as well the aforeſaid *Gilbert Gerrard*, who proſecutes, *&c.* as the aforeſaid *Mark* by his Attorny aforeſaid, And the Jurors of the Jury aforeſaid being called, likewiſe come, And upon this, publick Proclamation is made for the Lady the Queen, as the uſe is, That if there be any one who will inform the Juſtices of the Lady the Queen here, the Serjeant at Law of the Lady the Queen, or the Attorny General of the Lady the Queen, or the Jurors aforeſaid of the premiſes, that he come and ſhould be heard; And *Edward Anderſon*, one of the Serjeants of the Lady the Queen at Law, to do this offered himſelf; By which it is proceeded, to the taking of the Jury aforeſaid, by the Jurors aforeſaid now there appearing, who to ſay the truth of the premiſes, choſen, tryed, & ſworn, ſay upon their Oath, That the Lord *Philip* and the Lady *Mary*, late King & Queen of *England*, by their Letters Patents under the Great Seal of *England* made, bearing date at *Weſtminſter* the 23th. day of *September*, in the yeers of the Reigns of the ſaid late King and Queen the 3d. and 4th. Gave and granted to the ſaid *Mark*, the Office of Serjeant at Arms, attending upon their Chancellor of *England* for the time being, and made him the ſaid *Mark* their Serjeant at Arms aforeſaid, made, Ordained, and Conſtituted by the ſaid Letters Patents, for the term of his life, To have, and enjoy the ſaid Office, to him the ſaid *Mark* for the term of his life. And moreover, the ſaid late King and Queen, gave and granted by the Letters Patents aforeſaid, for them, the Heirs and Succeſſors of the ſaid Queen, for the exerciſing and holding of the Office aforeſaid, the Wages and Fee of 12. pence *per diem*, To have, hold and perceive, yeerly the ſaid Wages and Fee of 12. pence the day, to the ſaid *Mark* for the term of his life, of the iſſues and profits of their Hamper of their *Chancery*, by the Hands of the Clerk or Keeper of the ſaid their Hamper, and the Heirs of the aforeſaid late Queen for the time being, At the Feaſt of Saint *Michael* the Archangel, and *Eaſter*, by equal portions yeerly to be paid, together with all other Profits, Commodities, Emoluments, Allowances, and Advantages, to the ſaid Office any way anciently belonging, due and accuſtomed. And the ſaid *Mark Steward*, brings here in Court the Letters Patents aforeſaid, which followes in theſe words, *Philip* and *Mary*, by the Grace of God, King and Queen of *England*, *Spain*, *France*, both *Cicilies*, *Jeruſalem*, and *Ireland*, Defenders of the Faith, Archdukes of *Auſtria*, Dukes of *Burgondy*, *Milain*, and *Brabant*, Earl of *Haſpurge*, *Flanders*, and *Tiroll*, *&c.* To All to whom theſe preſent Letters ſhall come Greeting; Whereas our moſt dear

dear Brother *Edward*, late King of *England* the 6th. by his Letters Patents made under the Great Seal of *England*, bearing date at *Greenwich*, the 8th. day of *April*, in the 4th. yeer of his Reign, of his ſpecial Grace, certain Knowledg, and meer Motion, as alſo with the Advice and Conſent of his Council, had given and granted to his well-Beloved *Richard Hatchman Gentleman*, the Office of his Serjant at Arms, Attendant upon his Chancellor of *England* for the time being, and had made, Ordained, and Conſtituted by his ſaid Letters Patents, him the ſaid *Richard* his Serjeant at Arms, for the term of his life; And moreover, by his ſaid Letters Patents, had given and granted to the aforeſaid *Richard Hatchman*, for the exerciſing and holding the Office aforeſaid, the Wages and Fee of 12. pence by the day. To have, hold, and receive yeerly, the ſaid Wages and Fee of 12. pence by the day, for the term of his life, from the time of the death of his Serjeant at Arms which ſhould next dye, of the iſſues and profits of the Hamper of the *Chancery*, either by the Hands of the Clerk or the Keeper of the ſaid his Hamper, for the time being, at the Feaſts of Saint *Michael* the Archangel, and *Eaſter*, by equal portions yeerly to be paid, with all other Profits, Commodities, Emoluments, Allowances, and Advantages to the ſaid Office, any wayes anciently due and accuſtomed, as by the ſaid Letters Patents more fully appeareth; And becauſe the ſaid *Richard Hatchman*, is now willing to deliver up the aforeſaid Letters Patents in our *Chancery*, to be cancelled; Which Letters Patents there now are cancelled, as we have certain Knowledge, to the intent, that we would be gratiouſly pleaſed to grant to our well-Beloved *Mark Steward Gentleman*, other Letters Patents of the premiſes: We therefore, taking Conſideration of the premiſes, Of our ſpecial Grace, certain Knowledge, and meer Motion, have given and granted, and by theſe preſents for us, the Heirs and Succeſſors of the ſaid Lady the Queen, do give and grant to the ſaid *Mark Steward*, the aforeſaid Office of our Serjant at Arms, Attendant upon our Chancellor of *England*, for the time being; And him the ſaid *Mark* our Serjeant at Arms, do make, Ordain, and Conſtitute by theſe preſents, To have, and enjoy the ſaid Office, to the ſaid *Mark Steward* for the term of his life; And moreover, we have given and granted, and by theſe preſents for us, the Heirs and Succeſſors of the ſaid Lady the Queen, we do give and grant to the aforeſaid *Mark Steward*, for the exerciſing and holding the Office aforeſaid, the Wages and Fee of 12. pence by the day, To have, enjoy, and perceive yeerly the ſaid Wages and Fee of 12. pence by the day, to the aforeſaid *Mark* for the term of his life, of the iſſues and profits of our Hamper of our *Chancery*, by the Hands of the Clerk or Keeper of the ſaid our Hamper, and the Heirs of our ſaid Lady the Queen for the time being, At the Feaſt of Saint *Michael* the Archangel, and *Eaſter*, by equal portions yeerly to be paid, together with all other Profits, Commodities, Emoluments, Allowances, and Advantages, to the ſaid Office any wayes anciently due and accuſtomed, *&c.* Although the certain expreſſe mention of the premiſes, or any of them, or of other gifts or grants by us, or by any of our Progenitors, to the aforeſaid *Mark Steward*, before this time made in the premiſes there is not made, or any Statute, Act, Ordinance, Proviſion, or any other thing, cauſe or matter whatſoever, in any thing notwithſtanding; In Witneſſe whereof, theſe our Letters we have cauſed to be made Patents. Witneſſe our ſelfs at *Weſtminſter*, the 23th. day of *September*, in the yeer of our Reigns the third and 4th. By Colour of which Letters

ters Patents, the ſaid *Mark Steward* well and truly to execute the ſaid Office, was ſworn. And further the ſaid Jurors ſay, That the laſt day of *November* in the year of the Reign of the Lady the Queen that now is the 11th. The ſaid Lady the Queen at the humble Petition and requeſt of the Right Honourable Lord, the Earl of *Leiceſter*, and *Robert Huyck* Doctor of Phyſick, granted that the ſaid *Mark Steward* might abſent himſelf from the exerciſing of his Office of Sergeant at Arms, Attendant in his proper perſon upon her Chancellour of *England* for the time being, during the good pleaſure of the ſaid *Mark*, until the ſaid Lady the Queen ſhould command him to ſerve in his Office aforeſaid, as by the depoſition of the ſaid *Robert Huyck*, and by a certain Letter, under the proper hand-writing of the ſaid Earl of *Leiceſter*, which we found to be true in theſe *Engliſh* words following, here unto the Court to the Jurors aforeſaid in evidence given and ſhewed it more fully appeareth: The Depoſition of which *Robert Huyck* followeth in theſe words, That is to ſay, I was an humble Suter unto her gracious Majeſty about ten years paſt, that ſhe would licence *Mark Steward* Serjeant at Arms Attendant upon the then Lord Keeper to give off his attendance in his own perſon, to the end he might withdraw himſelf into the Country to play the good husband in his own houſe, ſo long only as ſhe ſhould permit him, and not recall him to his former attendance, and the Office ſhould be ſerved otherwiſe to her Majeſties contentation, and the Lord Keepers well liking; the which my Sute ſhe did very graciouſly grant me; And after that, upon the Lord Keepers praiſing *Auguſtine Steward*, I commended him to the Queen as one very fit to diſcharge his brothers abſence with his attendance. I did ſue to my Lord of *Leiceſter* and divers other of the Lords to ſpeak in my behalf for the furtherance of the ſute, ſo in the end the Queen ſaid, I do like well, and am right well content that *Mark Steward* do ceaſe from his Waiting untill We ſhall Reſolve otherwiſe. And if his Brother be found fit, he ſhall ſerve in his place during the time of his abſence; which Letter ſubſcribed, under the proper hand-writing of the ſaid Earl of *Leiceſter* followeth in theſe words. To my very good Lords the Lord Chancellor, and the Lord Chief Juſtice of *England*, and to either of them. *ſſ.* After my moſt hearty commendations to your Lordſhips: This Bearer *Mark Steward* hath earneſtly beſought me to advertiſe your Lordſhips of my knowledge touching her Majeſties leave for the ſaid *Stewards* not attendance to his Office of Sergeant-ſhip: Wherein, this is very true, that about *Michaelmaſs*, as I take it, in the 10th. year of her Majeſties Reign, the Court being then at *Windſor*, *Mark Steward*, both himſelf, and his friends, for that he had a deſire to remain in the County, earneſtly travelled with me to be his mean, for the obtaining of her Majeſties good leave and favour, that without any prejudice, for not attending, he might at his pleaſure ſo do, and for the ſupplying of his place which he had to ſerve about the late Lord Keeper of the Great Seal as Serjeant at Arms, he acquainted me with the good liking and contentation my ſaid Lord Keeper had to have a Brother of his to attend in his place, To which alſo I gave my beſt furtherance afterwards: Whereby her Majeſty pleaſed both to grant her favourable Licenſe to *Mark Steward* for his abſence, and to allow his brother to ſupply his place, who was accordingly ſworn therein, and many years ſerved the place. Thus much being on my own knowledge to be true, at his humble and earneſt ſute, I thought good

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to advertiſe your Lordſhips, and ſo do bid your Lordſhips farewell from the Court, the 21th. day of *May*, 1579. your Lordſhips loving Friend, *R. Leiceſter*. And the Jurors further ſay, That the aforeſaid *Auguſtine Steward*, brother of him the ſaid *Mark*, the 6th. day of *January* in the 11th. year aboveſaid, at *Hampton Court* in the County of *Middleſex*, by the ſaid Lady the Queen, was admitted, ordained and conſtituted, to attend in the place and room of him the ſaid *Mark* his brother upon *Nicholas Bacon* Knight, then being Lord Keeper of the Great Seal of *England*, and to the ſaid Office for & in the place and room of him the ſaid *Mark* well and faithfully to exerciſe and execute then and there in the preſence of the ſaid Lady the Queen was ſworn, as by the Depoſition of the ſaid *Auguſtine Steward*, which followeth in theſe words, we finde to be true. After *Chriſtmaſs* and before *Hillary* Term in the 11th. year of her Highneſs Reign, on a *Sunday* or *Holiday* her Majeſty coming from the Cloſet at *Hampton* Court was moved by the Right Honourable deceaſed Earl of *Pembroke* for the inſtituting of *Auguſtine Steward* Sergeant at Arms to attend upon the Lord Keeper, To whom her Majeſty anſwered, My Lord, he is not to have his brothers Office, but is to be appointed only to attend in his place for him at ſuch time as his brother ſhall be abſent; her Majeſty making then relation of her favourable Licenſe already granted to *Mark Steward* to abide in the Country, and to abſent himſelf from her ſervice at his pleaſure, until he ſhould by her Majeſty be called again to his attendance upon the ſaid Lord Keeper: And then the ſaid *Auguſtine* was ſworn to attend as is above ſpecified. By colour of which the ſaid *Auguſtine Steward* in the abſence of him the ſaid *Mark Steward* his brother, the aforeſaid Office of Sergeant at Arms, attendant upon the Chancellor of *England* from thence, until the 20th. day of *June*, in the year of the Reign of the ſaid Lady the Queen that now is the 18th. uſed and executed. But whether the ſaid Lady the Queen by word only, without Writing ſealed, can give ſufficient Licenſe in Law to the ſaid *Mark Steward* to abſent himſelf from the exerciſing of his Office aforeſaid, the Jurors aforeſaid are utterly ignorant, and thereof pray the ayd and adviſe of the Court here in the premiſes. And if upon the whole matter aforeſaid, it ſhall ſeem to the Court of the Lady and Queen here, That the ſaid Lady the Queen that now is can by word only without her writing ſealed give ſufficient Licenſe in Law to the ſaid *Mark* to abſent himſelf from the exerciſing of his Office aforeſaid, Then the ſaid Jurors ſay, That the ſaid Lady the Queen that now is gave Licence to the ſaid *Mark Steward* to abſent himſelf from the exerciſe of his Office aforeſaid, during the pleaſure of him the ſaid *Mark*, until he ſhould be commanded by the ſaid Lady the Queen to ſerve in his Office aforeſaid, in manner and form as the ſaid *Mark*, above in pleading alledged. And if upon the whole matter aforeſaid, It ſhall ſeem to the Court of the Lady the Queen here, That the ſaid Lady the Queen cannot by word only, without her Writing ſealed, give ſufficient licenſe in Law to the ſaid *Mark* to abſent himſelf from the exerciſing of his Office aforeſaid: Then the Jurors aforeſaid ſay, That the ſaid Lady the Queen did not give licenſe to the ſaid *Mark* to abſent himſelf from the exerciſing of his Office aforeſaid during the pleaſure of him the ſaid *Mark* until he ſhould be commanded by the ſaid Lady the Queen to ſerve in his Office aforeſaid. And becauſe the Court of the Lady the Queen here of giving their Judgement thereof, is not yet aviſed, *&c.* Therefore day

thereof is given as well to the aforeſaid *Gilbert Gerrard*, who proſecutes, *&c.* as to the aforeſaid *Mark Steward*, until in 8. dayes of Saint *Michael*, before the Lady the Queen, whereſoever, *&c.* in ſtate as now, *&c.* to hear their Judgement thereof, *&c.* At which 15. dayes from Saint *Michael*, before the Lady the Queen at *Weſtminſter*, come as well the aforeſaid *Gilbert Gerrard*, who proſecutes, *&c.* as the aforeſaid *Mark* by his Attorny aforeſaid; And becauſe the Court of the Lady the Queen here of giving their Judgement thereof are not yet aviſed, *&c.* Therefore further day thereof is given as well to the aforeſaid *Gilbert Gerrard*, who proſecutes, *&c.* as to the aforeſaid *Mark Steward*, until from the day of Saint *Martin* 15. dayes, before the Lady the Queen, whereſoever, *&c.* in ſtate as now, *&c.* to hear their Judgement thereof, *&c.* At which 15. dayes from Saint *Martin*, before the Lady the Queen at *Weſtminſter*, come as well the aforeſaid *Gilbert Gerrard*, who proſecutes, *&c.* as the ſaid *Mark Steward*, by his Attorny aforeſaid: Upon which, all and ſingular the premiſes being ſeen, and fully underſtood by the Court here, and mature deliberation being had thereof; the Queens Serjeant at Law, and the Attorny General of the ſaid Queen being called to it and preſent, It was awarded, That the ſaid Office of Serjeant at Arms, holden in the Hands of the ſaid Lady the Queen, be reſtored to the ſaid *Mark*, And that the ſaid *Mark Steward*, to the exerciſing and holding of his Office aforeſaid, from which he was amoved, together with the Wages and Fees thereof to the ſaid Office due and belonging, from the time of his amoving from the exerciſing of his Office aforeſaid, hitherto received and with-holden, be reſtored, *&c.* Saving the Right of the Queen, if any, *&c.*

TRESPAS.

Hillary Term, Anno 41. *Elizabeth.* Rott. 1049. in the *COMMON-PLEAS*, C. 1. part, *Corbets* Caſe. *fol.* 77. *b.*

Leiceſt. *Rowland Corbet*, late of *Stokefaſton*, in the Connty aforeſaid *Eſquire*, was attached to anſwer to *Arthur Corbet Gentleman*, of a Plea, wherefore with force and Arms, the Cloſe of the ſaid *Arthur*, at *Stokefaſton* aforeſaid, he broke, and his Graſſe there to the value of 10. pound, growing, with certain Cattel Fedd, Trod, and Conſumed, and other harms to him did, to the great damage of the ſaid *Arthur*, and againſt the Peace of the Lady the Queen that now is, *&c.* And whereupon, the ſaid *Arthur*, by *Lawrence Lyter* his Attorny complaineth, That the ſaid *Rowland*, the 20th. day of *June*, in the yeer of the Reign of the Lady the Queen that now is the 40th. with Force and Arms, *&c.* the Cloſe of him the ſaid *Arthur*, at *Stokefaſton* broke, and his Graſſe there to the value, *&c.* there then growing, with certain Cattel, that is to ſay, with Horſes, Cows, Hoggs and Sheep, fed, trod, and conſumed, and other harms, *&c.* to the great damage, *&c.* and againſt the Peace, *&c.* Whereupon he ſaith, that he is the worſe, and hath damages, *&c.* to the value of 20. pound, And thereof he bringeth Sute,

Sute, &c. And the aforeſaid *Rowland*, by *William Evering* his Attorny, cometh and defendeth the force and injury when &c. and as to the force and armes ſaith, that he is in nothing thereof guilty; And as to the reſt of the Treſpas aforeſaid ſuppoſed to be done, the ſaid *Rowland* ſaith, That the aforeſaid *Arthur* his Action thereof againſt him ought not to have; Becauſe he ſaith, That the Cloſe aforeſaid, as alſo the place in which it is ſuppoſed the Treſpaſſe aforeſaid to be done, and the time aforeſaid, in which it is ſuppoſed the ſame Treſpaſſe to be done, were 20. Acres of Paſture with their Appurtenances, in *Stokefaſton* aforeſaid, called *New-Cloſe*, and that before the time in which, &c. One *Chriſtopher Corbet Eſquire*, Father of the aforeſaid *Rowland* and *Arthur*, was ſeized of the Manor of *Stokefaſton* with the Appurtenances, in the County aforeſaid, whereof the aforeſaid 20. Acres of Paſture with the Appurtenances in which, &c. are, and the aforeſaid time in which, &c. As alſo time whereof the Memory of Men is not to the contrary were parcel, in his Demeſn as of Fee; And ſo thereof being ſeized, The ſaid *Chriſtopher*, before the time in which, &c. that is to ſay, the 12th. day of *April*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 30th. at *Stokefaſton* aforeſaid, By a certain Indenture made between him the ſaid *Chriſtopher*, By the name of *Chriſtopher Corbet*, of *Stokefaſton*, in the County of *Leiceſter Eſquire* of the one part, and *Richard Slade*, *Henry Allin*, *Thomas Hunt*, and *George Noon Gentleman*, of the other part, One part of which, ſealed with the Seal of the ſaid *Chriſtopher*, the ſaid *Rowland* brings here in Court, whoſe date is the ſame day and yeer; It is witneſſed, That the aforeſaid *Chriſtopher Corbet*, for and in conſideration of Fatherly Love, Zeal and Affection, which he the ſaid *Chriſtopher Corbet* bore to the aforeſaid *Rowland Corbet*, Eldeſt Son of the ſaid *Chriſtopher*, and for his Preferment and Advancement, and for the Promotion, Preferment, and Eſtabliſhment of Living of the ſaid *Rowland*, and the Heirs of his Body lawfully iſſuing; And for and in conſideration of Fatherly Love, Zeal and Affection, which the ſaid *Chriſtopher* bore to the ſaid *Arthur Corbet* his other Son, and for his Preferment and Advancement of Living; And alſo for and in conſideration of the great Love, and Affection, and Favour, which he the ſaid *Chriſtopher* bore to *Francis Corbet*, Son of *Humphry Corbet*, late of *Ratley*, in the County of *Warwick Gentleman* deceaſed, his near Coſin and Kinſman, and for his Preferment and Advancemement, And alſo for the Eſtabliſhment, Preſervation, and Continnance of all and ſingular the Manors, Lands, Tenements, Poſſeſſions, and Hereditaments whatſoever, of him the ſaid *Chriſtopher* within the Kingdom of *England*, then after in the ſame Indenture mentioned or contained, in the Name and Blood of the aforeſaid *Chriſtopher*, and for other good and juſt cauſes and conſiderations, him the ſaid *Chriſtopher* moving, By the ſame Indenture for him and his Heirs, Covenanted, Granted, Condeſcended and Agreed, to and with the aforeſaid *Robert Slade*, *Henry Allin*, *Thomas Hunt*, and *George Noon*, their Executors and Adminiſtrators, and to and with every of them in manner and form, after in the ſaid Indenture mentioned; That is to ſay, That he the ſaid *Chriſto. Corbet*, his Heirs and Aſſigns, And all and every other perſon or perſons, their Heirs and Aſſigns, who then ſtood or were ſeized, or which from hence forth for ever ſhould ſtand and be ſeized, of and in the aforeſaid Manor of *Stokefaſton* with the Appurtenances, in the County of *Leiceſter*, & of and in all other Meſſuages, Lands, Tenemnets, and Hereditaments whatſoever, of the aforeſaid *Chriſto. Corbet*, in the ſaid County of *Leiceſter*, of

thereof is given as well to the aforeſaid *Gilbert Gerrard*, who proſecutes, *&c.* as to the aforeſaid *Mark Steward*, until in 8. dayes of Saint *Michael*, before the Lady the Queen, whereſoever, *&c.* in ſtate as now, *&c.* to hear their Judgement thereof, *&c.* At which 15. dayes from Saint *Michael*, before the Lady the Queen at *Weſtminſter*, come as well the aforeſaid *Gilbert Gerrard*, who proſecutes, *&c.* as the aforeſaid *Mark* by his Attorny aforeſaid; And becauſe the Court of the Lady the Queen here of giving their Judgement thereof are not yet aviſed, *&c.* Therefore further day thereof is given as well to the aforeſaid *Gilbert Gerrard*, who proſecutes, *&c.* as to the aforeſaid *Mark Steward*, until from the day of Saint *Martin* 15. dayes, before the Lady the Queen, whereſoever, *&c.* in ſtate as now, *&c.* to hear their Judgement thereof, *&c.* At which 15. dayes from Saint *Martin*, before the Lady the Queen at *Weſtminſter*, come as well the aforeſaid *Gilbert Gerrard*, who proſecutes, *&c.* as the ſaid *Mark Steward*, by his Attorny aforeſaid: Upon which, all and ſingular the premiſes being ſeen, and fully underſtood by the Court here, and mature deliberation being had thereof; the Queens Serjeant at Law, and the Attorny General of the ſaid Queen being called to it and preſent, It was awarded, That the ſaid Office of Serjeant at Arms, holden in the Hands of the ſaid Lady the Queen, be reſtored to the ſaid *Mark*, And that the ſaid *Mark Steward*, to the exerciſing and holding of his Office aforeſaid, from which he was amoved, together with the Wages and Fees thereof to the ſaid Office due and belonging, from the time of his amoving from the exerciſing of his Office aforeſaid, hitherto received and with-holden, be reſtored, *&c.* Saving the Right of the Queen, if any, *&c.*

TRESPAS.

Hillary Term, Anno 41. *Elizabeth.* Rott. 1049. in the *COMMON-PLEAS*, C. 1. part, *Corbets* Caſe. *fol.* 77. *b.*

Leiceſt. *Rowland Corbet*, late of *Stokefaſton*, in the Connty aforeſaid *Eſquire*, was attached to anſwer to *Arthur Corbet Gentleman*, of a Plea, wherefore with force and Arms, the Cloſe of the ſaid *Arthur*, at *Stokefaſton* aforeſaid, he broke, and his Graſſe there to the value of 10. pound, growing, with certain Cattel Fedd, Trod, and Conſumed, and other harms to him did, to the great damage of the ſaid *Arthur*, and againſt the Peace of the Lady the Queen that now is, *&c.* And whereupon, the ſaid *Arthur*, by *Lawrence Lyter* his Attorny complaineth, That the ſaid *Rowland*, the 20th. day of *June*, in the yeer of the Reign of the Lady the Queen that now is the 40th. with Force and Arms, *&c.* the Cloſe of him the ſaid *Arthur*, at *Stokefaſton* broke, and his Graſſe there to the value, *&c.* there then growing, with certain Cattel, that is to ſay, with Horſes, Cows, Hoggs and Sheep, fed, trod, and conſumed, and other harms, *&c.* to the great damage, *&c.* and againſt the Peace, *&c.* Whereupon he ſaith, that he is the worſe, and hath damages, *&c.* to the value of 20. pound, And thereof he bringeth Sute,

Sute, *&c.* And the aforeſaid *Rowland*, by *William Evering* his Attorny, cometh and defendeth the force and injury when *&c.* and as to the force and armes ſaith, that he is in nothing thereof guilty; And as to the reſt of the Treſpas aforeſaid ſuppoſed to be done, the ſaid *Rowland* ſaith, That the aforeſaid *Arthur* his Action thereof againſt him ought not to have; Becauſe he ſaith, That the Cloſe aforeſaid, as alſo the place in which it is ſuppoſed the Treſpaſſe aforeſaid to be done, and the time aforeſaid, in which it is ſuppoſed the ſame Treſpaſſe to be done, were 20. Acres of Paſture with their Appurtenances, in *Stokefaſton* aforeſaid, called *New-Cloſe*, and that before the time in which, *&c.* One *Chriſtopher Corbet Eſquire*, Father of the aforeſaid *Rowland* and *Arthur*, was ſeized of the Manor of *Stokefaſton* with the Appurtenances, in the County aforeſaid, whereof the aforeſaid 20. Acres of Paſture with the Appurtenances in which, *&c.* are, and the aforeſaid time in which, *&c.* As alſo time whereof the Memory of Men is not to the contrary were parcel, in his Demeſn as of Fee; And ſo thereof being ſeized, The ſaid *Chriſtopher*, before the time in which, *&c.* that is to ſay, the 12th. day of *April*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 30th. at *Stokefaſton* aforeſaid, By a certain Indenture made between him the ſaid *Chriſtopher*. By the name of *Chriſtopher Corbet*, of *Stokefaſton*, in the County of *Leiceſter Eſquire* of the one part, and *Richard Slade*, *Henry Allin*, *Thomas Hunt*, and *George Noon Gentleman*, of the other part, One part of which, ſealed with the Seal of the ſaid *Chriſtopher*, the ſaid *Rowland* brings here in Court, whoſe date is the ſame day and yeer; It is witneſſed, That the aforeſaid *Chriſtopher Corbet*, for and in conſideration of Fatherly Love, Zeal and Affection, which he the ſaid *Chriſtopher Corbet* bore to the aforeſaid *Rowland Corbet*, Eldeſt Son of the ſaid *Chriſtopher*, and for his Preferment and Advancement, and for the Promotion, Preferment, and Eſtabliſhment of Living of the ſaid *Rowland*, and the Heirs of his Body lawfully iſſuing; And for and in conſideration of Fatherly Love, Zeal and Affection, which the ſaid *Chriſtopher* bore to the ſaid *Arthur Corbet* his other Son, and for his Preferment and Advancement of Living; And alſo for and in conſideration of the great Love, and Affection, and Favour, which he the ſaid *Chriſtopher* bore to *Francis Corbet*, Son of *Humphry Corbet*, late of *Ratley*, in the County of *Warwick Gentleman* deceaſed, his near Coſin and Kinſman, and for his Preferment and Advancemement, And alſo for the Eſtabliſhment, Preſervation, and Continnance of all and ſingular the Manors, Lands, Tenements, Poſſeſſions, and Hereditaments whatſoever, of him the ſaid *Chriſtopher* within the Kingdom of *England*, then after in the ſame Indenture mentioned or contained, in the Name and Blood of the aforeſaid *Chriſtopher*, and for other good and juſt cauſes and conſiderations, him the ſaid *Chriſtopher* moving, By the ſame Indenture for him and his Heirs, Covenanted, Granted, Condeſcended and Agreed, to and with the aforeſaid *Robert Slade*, *Henry Allin*, *Thomas Hunt*, and *George Noon*, their Executors and Adminiſtrators, and to and with every of them in manner and form, after in the ſaid Indenture mentioned; That is to ſay, That he the ſaid *Chriſto. Corbet*, his Heirs and Aſſigns, And all and every other perſon or perſons, their Heirs and Aſſigns, who then ſtood or were ſeized, or which from hence forth for ever ſhould ſtand and be ſeized, of and in the aforeſaid Manor of *Stokefaſton* with the Appurtenances, in the County of *Leiceſter*, & of and in all other Meſſuages, Lands, Tenemnets, and Hereditaments whatſoever, of the aforeſaid *Chriſto. Corbet*, in the ſaid County of *Leiceſter*, of

which he the ſaid *Chriſtopher Corbet*, then had any Eſtate of Inheritance in Fee Simple, in Poſſeſſion, Reverſion, or Remainder, from thence forth afterwards ſhould ſtand and be ſeized, of and in the aforeſaid Manor of *Stokefaſton*, and all and ſingular other the premiſes with their Appurtenances whatſoever, to the uſes, behoofs, intentions, or purpoſes; That is to ſay, of and in the aforeſaid Manor of *Stokefaſton* with the Appurtenances, and other the premiſes whatſoever with their Appurtenances, in the aforeſaid County of *Leiceſter*, unto the uſe and behoof of the aforeſaid *Chriſtopher Corbet*, during his natural life, without impeachment of any Waſte, and after the deceaſe of the ſaid *Chriſtopher Corbet*, Then of and in the aforeſaid Manor of *Stokefaſton* with the Appurtenances, in the aforeſaid County of *Leiceſter*, And of and in all other Meſſuages, Lands, Tenements, Rents, Reverſions, Services, and Hereditaments, of the aforeſaid *Chriſtopher Corbet*, whatſoever, with all & ſingular their Appurtenances, in the ſaid County of *Leiceſter*, of which, or in which he the ſaid *Chriſtopher Corbet*, had any Eſtate of Inheritance in Fee Simple, in poſſeſſion, Reverſion, or Remainder, To the uſe of the aforeſaid *Rowland Corbet*, and the Heirs Males of his Body lawfully begotten, and for default of ſuch iſſue Male, to the uſe of the aforeſaid *Arthur Corbet*, & the Heirs Males of his Body lawfully begotten, & for default of ſuch iſſue male, then to the uſe of the aforeſaid *Francis Corbet*, Son of the aforeſaid *Humph. Corbet* deceaſed, & the Heirs Males of the Body of the aforeſaid *Francis* lawfully begotten, and for default of ſuch Heirs, then to the uſe of the Heirs of the Body of the aforeſaid *Rowland* lawfully begotten, and for default of ſuch Heirs, then to the uſe of the Heirs of the Body of the ſaid *Arthur* lawfully begotten, and for default of ſuch Heirs, Then to the uſe and behoof of the Right Heirs of the ſaid *Chriſtopher Corbet* for ever, as by the ſame Indenture amongſt other things more fully appeareth. By colour of which, as alſo of a certain Act in Parliament of the Lord *Henry* late King of *England* the 8th. at *Weſtminſter* in the County of *Middleſex*, the 4th. day of *February*, in the yeer of his Reign the 27th. Of transferring of uſes into poſſeſſion, holden, made, and provided; The aforeſaid *Chriſtopher Corbet*, was ſeized of the aforeſaid Manor of *Stokefaſton* with the Appurtenances, amongſt other things in his Demeſn as of Free hold for the term of his life, the Remainder thereof in form aforeſaid expectant; And the ſaid *Chriſtopher* ſo thereof being ſeized, The ſaid *Chriſtopher* afterwards, and before the aforeſaid time in which, *&c.* that is to ſay, the laſt day of *May*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 30th. aboveſaid, at *Stokefaſton* aforeſaid, dyed of the Manor aforeſaid with the Appurtenances, whereof, *&c.* in form aforeſaid ſeized; After whoſe death, and before the time in which, *&c.* The ſaid *Rowland Corbet*, into the Manor aforeſaid with the Appurtenances, whereof, *&c.* entred, and was thereof ſeized in his Demeſn as of Fee Tail, that is to ſay, to him and the Heirs Males of his Body lawfully begotten, the Remainder thereof in form aforeſaid; And the aforeſaid *Arthur Corbet*, claiming the Manor aforeſaid with the Appurtenances, whereof, *&c.* of a certain deed of Demiſe, to him thereof made for the term of his life, by the aforeſaid *Chriſtopher* the Father, long before the making of the Indenture aforeſaid, between the aforeſaid *Chriſtopher*, and the aforeſaid *Robert Slade*, *Henry Allin*, *Thomas Hunt*, and *George Noon*, whereas nothing of the Manor aforeſaid with their Appurtenances, whereof, *&c.* in poſſeſſion of the ſaid *Authur*, by that deed ever paſſeſſed, into the aforeſaid 20. Acres of Paſture with the Appurtenances,

ces, in which, &c. & before the aforeſaid time in which, &c. entred and was thereof poſſeſſed, upon whoſe poſſeſſion thereof of the ſaid *Arthur*, the ſaid *Rowland* afterwards, that is to ſay, the aforeſaid time in which, &c. into the ſaid 20. Acres of Paſture with the Appurtenances, re-entred, and the Cloſe aforeſaid, in the aforeſaid 20. Acres of Paſture with the Appurtenances broke, and the graſſe there then growing with his Cattel aforeſaid did eat, tread and conſume, as it was lawful for him to do, And this he is ready to aver, Wherupon he demandeth Judgement if the aforeſaid *Arthur*, his Action aforeſaid againſt him ought to have; Becauſe he ſaith, That well and true it is, That the aforeſaid *Chriſtopher* was ſeized of the aforeſaid Mannor of *Stokefaſton* aforeſaid with the Appurtenances, whereof the ſaid 20. Acres of Paſture with the Appurtenances, in which, &c. are, and the aforeſaid time in which, &c. as alſo from the whole time aforeſaid were parcel, in his Demeſn as of Fee, And ſo thereof being ſeized, the aforeſaid 12. day of *April*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 30th. aboveſaid, by the ſaid his Indenture for the cauſes and conſiderations aboveſaid, in the ſaid Indenture ſpecified, for him and his Heirs covenanted, granted, condeſcended and agreed, to and with the aforeſaid *Robert Slade*, *Henry Allin*, *Thomas Hunt*, and *George Noon*, their Executors and Adminiſtrators, & to and with every of them, in manner and form in the ſaid Indenture mentioned, that is to ſay, That the ſaid *Chriſtopher Corbet*, his Heirs and Aſſigns, and all and every other perſon and perſons, their Heirs and Aſſigns, which then ſtood and were ſeized, or from then after ſhould ſtand or be ſeized, of and in the aforeſaid Manor of *Stokefaſton* with the Appurtenances, and of and in all the aforeſaid other Meſſuages, Lands, Tenements, and Hereditaments whatſoever, of the aforeſaid *Chriſtopher Corbet*, in the ſaid County of *Leiceſter*, of which the ſaid *Chriſtopher Corbet* then had any eſtate of Inheritance in Fee Simple, in Poſſeſſion, Reverſion, or Remainder, from thence after ſhould ſtand and be ſeized, of and in the aforeſaid Manor of *Stokefaſton*, and all the aforeſaid other premiſes with their Appurtenances whatſoever, to the aforeſaid uſes, behoof, intentions and purpoſes, and upon and under thoſe Proviſions, Limitations, and Conditions in ſuch manner and form, as afterwards in the ſaid Indenture are named, limited, mentioned, or ſhould be directed, and unto none other uſe, uſes, behoofs, intents, or purpoſes, that is to ſay, of and in the aforeſaid Manor of *Stokefaſton* with the Appurtenances, in the aforeſaid County of *Leiceſter*, To the uſe and behoof of the aforeſaid *Chriſtopher Corbet* during his natural life, without impeachment of any manner of Waſte, and after the deceaſe of the ſaid *Chriſtopher Corbet*, of and in the aforeſaid Manor of *Stokefaſton* with the Appurtenances, and of and in all other the aforeſaid Meſſuages, Lands, Tenements, Rents, Reverſions, Services, and Hereditaments, of the aforeſaid *Chriſtopher*, whatſoever, with all and ſingular their Appurtenances in the ſaid County of *Leiceſter*, of which, or in which, he the ſaid *Chriſtopher* then had any Eſtate of Inheritance in Fee Simple, in Poſſeſſion, Reverſion, or Remainder, to the uſe of the aforeſaid *Rowland Corbet*, and the Heirs Males of his Body lawfully begotten, and for default of ſuch iſſue, to the uſe of the aforeſaid *Arthur Corbet*, and the Heirs Males of his Body lawfully begotten, and for default of ſuch iſſue Male, Then to the uſe of the aforeſaid *Francis Corbet*, Son of the aforeſaid *Humphry Corbet* deceaſed, and the Heirs Males of the Body of the ſaid *Francis* lawfully begotten, and for default of ſuch Heir,

then to the uſe of the Heirs of the Body of the aforeſaid *Rowland* lawfully begotten, and for default of ſuch Heir, to the uſe of the Heirs of the Body of the aforeſaid *Arthur Corbet* lawfully begotten, and for default of ſuch Heir, to the uſe & behoof of the Right Heirs of the aforeſaid *Chriſtopher Corbet* for ever, as by the ſame Indenture amongſt other things more fully appeareth. By colour of which, as alſo by force of the Act aforeſaid, of transferring of uſes into poſſeſſion, the aforeſaid *Chriſtopher* was ſeized of the aforeſaid Manor of *Stokeſaſton* with the Appurtenances, whereof, *&c.* amongſt other things in his Demeſn as of Free Hold for the term of his Life, the Remainder thereof in form aforeſaid expectant; And the ſaid *Chriſtopher* being thereof ſo ſeized, The ſaid *Chriſtopher* afterwards, and before the time in which, *&c.* that is to ſay, the aforeſaid laſt day of *May*, in the yeer of the ſaid Lady the Queen that now is the 30th. aboveſaid, at *Stokeſaſton* aforeſaid, dyed of the Manor aforeſaid with the Appurtenances, whereof, *&c.* in form aforeſaid ſeized; After whoſe death, and before the time in which, *&c.* The ſaid *Rowland Corbet* into the Manor aforeſaid with the Appurtenances, whereof, *&c.* entred, and was thereof ſeized in his Demeſn as of Fee Tail, that is to ſay, to him and the Heirs Males of his Body lawfully begotten, the Remainder thereof in form aforeſaid, as the aforeſaid *Rowland* above hath alleged. But the ſaid *Arthur* further ſaith, That by the Indenture aforeſaid, It was Conditioned, Covenanted, granted and agreed, by and between the parties aforeſaid to the ſaid Indenture, That if, when, and ſo often as the aforeſaid *Rowland Corbet*, or any the Heir Males of his Body begotten, or to be begotten; Or the aforeſaid *Arthur Corbet*, or any the Heirs Males of his Body lawfully begotten, or to be begotten; Or the aforeſaid *Francis Corbet*, Son of the aforeſaid *Humphry Corbet* deceaſed, or any the Heirs Males of his Body lawfully begotten, or to be begotten, ſhould be fully and finally reſolved and determined, and adviſedly, determinatly, and effectually deviſed, concluded and agreed, or ſhould enter into any Communication, Promiſe and Covenant whatſoever, or adviſedly, and effectually ſhould attempt, procure, go about, or ſhould aſſent, to or for any Act or Acts, thing or things, for or concerning any Bargain, Sale, Diſcontinuance, Alienation, Conveiance or Aſſurance to be had and made, of any of the aforeſaid Manors, Lands, Tenements, and Hereditaments, intailed, or intended, or mentioned to be intailed, or of any of them, or of any part or parcel of them, whereby any Eſtate of the premiſes aforeſaid, recited, intailed, or mentioned to be intailed, or any part thereof in uſe or poſſeſſion mentioned, appointed, limited, or declared by the ſame Indenture, can, ought, or could, in any manner, or manners, be undone, diſcontinued, barred, altered, or determined, and the ſaid Bargain, Sale, Exchange, Alienation, Deviſement, Concluſion, Agreement, Promiſſion, Communication, Conceſſion, Obligation, Conveiance or Aſſurance, or any other open and effectual matter, thing, or Act, ſhould attempt, go about, cauſe, procure, command, or willingly, or wittingly, ſhould aſſent, practiſe, or ſuffer to be attempted, practiſe in any Act, to put in ure, or to go about, or to be executed, performed, or to be proſecuted, put in uſe, or in ure, by acknowledging of any Note, or Notes, of or for any Fine, or Fines, to be levied or acknowledged, or by giving of any Warrant, or Warrants, of Attorny, or Attornies, for any Recovery or Recoveries, or any Voucher, or Vouchers to be had, or proſecuted, or by entring into any Warranty, or Warranties, what-

whatſoever, or by acknowledging of any Warrant for the ſame, or by any Sute, or bringing of any Writ or Writs by him, them, or thoſe, or by any of her, or their Aſſent and Agreement, or by Aſſent, by appearance, or otherwiſe to any Writ or Writs, of the aforeſaid recited premiſes, or of any part or parcel thereof, or to any thing in the ſame, or any of them, or by acknowledging of any Charter, or Charters, Writing, or Writings, to be inrolled, or by any other Act or Acts, thing or things, whatſoever in deed, or in Law, whereupon, or by which any Bargain, Sale, Diſcontinuance, Alienation, Exchange, or Forfeiture might follow, or by which, the Eſtate, Uſe, or Poſſeſſion, of the aforeſaid recited premiſes intailed, or mentioned to be intailed, or any parcel thereof cannot, ought or could, come, accrue, remain, and deſcend to be in ſuch manner and form, as by the ſame Indenture it is limited, appointed, declared, and mentioned, and according to the true intent and meaning of the aforeſaid Indenture, That then, and immediately, from and after any ſuch time, and times, of ſuch procuring, attempting, commanding knowing, aſſent, practice, promiſe, or going about, in manner and form, as above is ſaid, and before ſuch Bargain, Sale, Diſcontinuance, Alienation, Exchange, or Forfeiture, had, made, proſecuted, executed, Committed or done, the ſaid Uſe and Uſes, Eſtate and Eſtates, limited and declared in the Indenture aforeſaid, to him or them, who ſhall ſo attempt, cauſe, procure, command, or voluntarily, or knowingly aſſent, practiſe, or go about, any ſuch Act or Acts, thing or things, to be proſecuted, or to be executed, or to be performed or done, or put in ure, or ſhall go about to be executed, or performed, or put in ure, in form aforeſaid declared; Whereupon, or by whrch, any Bargain, Sale, Diſcontinuance, Alienation, Conveiance, Aſſurance, Exchange, or Forfeiture, ſhould be had, done, or enſue thereupon, contrary to the true intent of the Indenture aforeſaid, of and in ſuch, and ſo much of the aforeſaid recited Manors, Lands, Tenements, and Hereditaments with the Appurtenances, intailed, or mentioned to be intailed, or intended by the ſame Indenture, for the which, any of the things or matters aforeſaid, at any time or times, ſhould be attempted, gone about, cauſed, procured, commanded, aſſented, practiſed, or the premiſes, to be executed, petformed, practiſed, or put in ure, or gon about to be executed, performed, or put in ure, contrary to the true intent of the Indenture aforeſaid, from time to time, ſhould ceaſe only as in reſpect, and having regard to ſuch perſon, or perſons, ſo attempting, procuring, cauſing, commanding, willingly and wittingly aſſenting, practiſing, permitting, or going about, any Act or Acts, thing or things, as above it is ſaid, contrary to the effect, and true meaning of the Indenture aforeſaid, in ſuch manner, degree, and condition, as if ſuch perſon or perſons, Heir or Heirs, ſo attempting, procuring, cauſing, commanding, willingly and wittingly aſſenting, practiſing, permitting, or going about, any ſuch Act or Acts, thing or things, as above is ſaid, had naturally been dead, and not otherwiſe; And then, and in all ſuch caſes, the immediate uſes of every of ſuch parcel of the premiſes, ſhould be immediatly to ſuch perſon, or perſons, by the true intent and meaning of the Indenture aforeſaid, If any ſuch perſon or perſons, ſhould ſo procure, or procured, attempt, or attempted, cauſe, or cauſed, command, or commanded, ſhould practiſe, or practiſed, ſhould ſuffer, or ſufferd, go about, or about, ſhould aſſent, or aſſented, to or for any ſuch Act, or Acts, thing, or things, be, or ſhould be naturally dead of ſuch Eſtate, and in ſuch

like manner and form, and with the Remainder in uſe over, and with ſuch like limitations and conditions, as if the ſaid uſes had come, accrued, and been, it the ſame perſon, who ſo ſhould procure, attempt, cauſe, command, practiſe, ſuffer, go about, or aſſent, to or for any ſuch Act or Acts, thing or things to be done, to or immediatly before the time of ſuch procuring, attempting, cauſing, commanding, practiſing, ſuffering, going about, or aſſenting, had been naturally dead, and not otherwiſe, as by the ſame Indenture amongſt other things more fully appeareth. And the ſaid *Arthur* further ſaith, That the aforeſaid *Rowland*, of the Manor aforeſaid with the Appurtenances, whereof, *&c.* amongſt other things in form aforeſaid being ſeized, One *Robert Greenhurſt*, the 23th. day of *January*, in the yeer of the Reign of the ſaid Lady the Queen, that now is the 36th. by the command, procurement, & conſent of the aforeſaid *Rowl.* ſued forth out of the Court of *Chanc.* of the ſame Lady the Queen, the ſaid Court of *Chancery*, then being at *Weſtminſter* in the County of *Middleſex*, a certain Writ of the ſaid Lady the Queen, of Entry Sur Diſſeiſin in the *Poſt*, againſt the aforeſaid *Rowland Corbet*, of the Manor of *Stokefaſton* with the Appurtenances, whereof, *&c.* among other things, by the Name of the Manor of *Stokefaſton* with the Appurtenances, and 5. Meſſuages, 500. Acres of Land, 100. Acres of Meadow, 200. Acres of Paſture, with the Appurtenances in *Stokefaſton*, to the Sheriff of the aforeſaid County of *Leiceſter* directed, By which Writ, the ſaid Lady the Queen that now is, cõmanded the ſaid then Sheriff of *Leiceſter*, That he the ſaid Sheriff the aforeſaid *Rowland*, that juſtly, and without delay, he render the ſaid *Robert Greenhurſt*, the aforeſaid Manor of *Stokefaſton* with the Appurtenances, and the aforeſaid 5. Meſſuages, 500. Acres of Land, 100. Acres of Meadow, 200. Acres of Paſture, with the Appurtenances in *Stokefaſton*, which then he claimed to be his Right and Inheritance, and in which the ſaid *Rowland* had not entry, But after Diſſeiſin, which *Hugh Hunt*, thereof unjuſtly, and without Judgement did to the aforeſaid *Robert Greenhurſt*, within 30. yeers then laſt paſt, as the ſaid *Robert* then ſaid; And wherupon, he then complained that the aforeſaid *Rowland* did him deforce: And if he ſhould not do, *&c.* and the aforeſaid *Robert Greenhurſt*, ſhould ſecure him the ſaid Sheriff for the proſecuting of his claim, Then he ſummon by good Summoners, the aforeſaid *Rowland Corbet*, that he be before the Juſtices of the ſaid Lady the Queen here, that is to ſay, at *Weſtminſter* aforeſaid, in 8. dayes of the Purification of the Bleſſed *Mary* then next following, to ſhew why he had not done it, and that the then Sheriff, ſhould have then there the ſummons and that Writ, *&c.* At which 8. dayes, from the Purification of the Bleſſed *Mary*, before *Edmond Anderſon Knight*, and his Companions then Juſtices of the ſaid Lady the Queen of the Bench here, that is to ſay, at *Weſtminſter* aforeſaid, cometh as well the aforeſaid *Robert Greenhurſt*, by *Thomas Lane* his then Attorny, as the aforeſaid *Rowland* in his proper perſon; And *William Turpin Eſquire*, then Sheriff of the County aforeſaid, retorned the Writ aforeſaid, to him in form aforeſaid directed, in all things ſerved and executed, that is to ſay, that the aforeſaid *Robert Greenhurſt*, found Sureties to him the ſaid Sheriff to proſecute his Writ aforeſaid, that is to ſay, *John Doe*, and *Richard Roe*, and that the aforeſaid *Rowland Corbet*, was ſummoned by *John Den*, and *Richard Fen*, upon which, the aforeſaid *Robert Greenhurſt*, by his Attorny aforeſaid, in the ſame Court here, declaring againſt the aforeſaid *Rowland*, upon his Writ aforeſaid, demanded againſt the ſaid

Rowland

Rowland Corbet, the Manor and Tenements aforeſaid with the Appurtenances, in the ſaid Writ of Entry ſpecified, as his Right and inheritance, and in which the ſaid *Rowland Corbet* had not Entry, but after Diſſeiſin which *Hugh Hunt*, thereof unjuſtly, and without Judgement did to the aforeſaid *Robert Greenhurſt* within 30. yeers laſt paſt, *&c.* And whereupon he ſaid, That he himſelf was ſeized of the Manor and Tenements aforeſaid, in the aforeſaid Writ of Entry ſpecified, in his Demeſn as of Fee and Right in the time of Peace, in the time of the Lady the Queen that now is, taking thereof the profits to the value, *&c.* And in which, *&c.* And thereof brought Sute, *&c.* And the aforeſaid *Rowland Corbet*, then defended his Right when, *&c.* And then vouched to warranty *John Howell*, who likewiſe was then preſent here in Court in his proper perſon, and freely the ſaid Manor and Tenements aforeſaid with the Appurtenances, in the ſaid Writ of Entry ſpecified, to him did warrant; And upon this, the ſaid *Robert Greenhurſt*, then demanded againſt the ſaid *John Howell*, then Tenant by his warranty, the Manor and Tenements aforeſaid with the Appurtenances, in the ſaid Writ of Entry ſpecified in form aforeſaid, *&c.* And whereupon he then ſaid, That he himſelf was ſeized of the Manor aforeſaid with the Appurtenances, in the aforeſaid Writ of Entry ſpecified, in his Demeſn as of Fee and Right, in time of Peace, in the time of the Lady the Queen that now is, taking the Profits thereof to the value, *&c.* And in which, *&c.* And thereof then brought his Sute, *&c.* And the aforeſaid *John*, Tenant by his Warranty, then defended his Right when, *&c.* And then ſaid, That the ſaid *Hugh Hunt*, did not diſſeiſe the aforeſaid *Robert Greenhurſt*, of the Manor and Tenements aforeſaid with the Appurtenances, in the aforeſaid Writ of Entry ſpecified, as the ſaid *Robert*, by his ſaid Writ and Declaration aforeſaid above ſuppoſeth. And of this puts himſelf upon the Country, *&c.* And the aforeſaid *Robert*, then prayed leave to imparl, *&c.* And had it, *&c.* And afterwards, the ſaid *Robert* retorned back here in the Court of the Bench aforeſaid, the ſelf ſame Term by his Attorny aforeſaid; And the aforeſaid *John*, although he was ſolemnly called, did not come back, but in contempt of the Court departed and made default; By which, then it was granted, that the aforeſaid *Robert Greenhurſt*, ſhould recover his Seiſin againſt the aforeſaid *Rowland* of the Manor and Tenements aforeſaid with the Appurtenances, in the aforeſaid Writ of Entry ſpecified; And that the ſaid *Rowland Corbet*, ſhould have of the Lands of the aforeſaid *John*, to the value, *&c.* And that the ſaid *John* ſhould be in Mercy, *&c.* And upon this, The aforeſaid *Robert* demandeth a Writ of the Lady the Queen, to the Sheriff of the County aforeſaid to be directed, to give him full Seiſin of the Manor & Tenements aforeſaid with the Appurtenances, in the ſaid Writ of Entry mentioned, and it is granted to him retornable here, that is to ſay, at *Weſtminſter* aforeſaid, from the day of *Eaſter* 15. dayes then next following, *&c.* At which day here, that is to ſay, at *Weſtminſter* aforeſaid, cometh the aforeſaid *Robert* by his Attorny aforeſaid, and then the Sheriff of the aforeſaid County of *Leiceſter*, That is to ſay, the aforeſaid *William Turpin* then here ſent, that he by virtue of the Writ to him directed, the 25th. day of *March* then laſt paſt, gave to the ſaid *Robert* full ſeiſin of the Manor and Tenements aforeſaid with the Appurtenaces, in the aforeſaid Writ of Entry ſpecified, as by the Writ he was commanded, as by the Record and Proceſſe thereof in the Court of the ſaid Lady the Queen of the Bench here remaining manifeſtly appear-

eth; By virtue of which Recovery, the aforeſaid *Robert* into the Manor aforeſaid with the Appurtenances, whereof, *&c.* entred and was thereof ſeized in his Demeſn as of Fee; And further, the ſaid *Arthur* ſaith, That the Recovery aforeſaid, in form aforeſaid had, was to the uſe and behoof of the ſaid *Rowland Corbet*, and his Heirs for ever; And that the ſaid *Rowland*, the aforeſaid time of the Recovery aforeſaid, had, or ever after had no iſſue of his Body lawfully begotten, After which Recovery, ſo as before is ſaid had, in and to the Diſinheriting of the ſaid *Arthur*, of the Manor aforeſaid with the Appurtenances, whereof, *&c.* And before the aforeſaid time in which, that is to ſay, the 30th. day of *June*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 36th. aboveſaid, The ſaid *Arthur* into the aforeſaid Manor of *Stokeſaſton* with the Appurtenancs, whereof, *&c.* entred and was thereof ſeized in his Demeſn as of Fee Tail, that is to ſay, to him and the Heirs Males of his Body lawfully begotten, By virtue of the Proviſo aforeſaid, and by force of the aforeſaid Act of transferring uſes into poſſeſſion, the remainder thereof in form aforeſaid expectant, until the aforeſaid *Rowland*, the aforeſaid time in which, *&c.* The Cloſe aforeſaid, in the aforeſaid 20. Acres of Paſture with the Appurtenances, in which, *&c.* brake, and the graſs aforeſaid, then and there growing, with the Cattel aforeſaid eat, trod and conſumed, againſt the Peace of the ſaid Lady the Queen that now is, as he above againſt him complaineth. And this he is ready to aver, Wherefore in as much as the aforeſaid *Rowland*, the Treſpaſs aforeſaid above acknowledgeth, the ſaid *Arthur* demandeth Judgement and his damages, by occaſion of the Treſpaſs aforeſaid to him to be adjudged, *&c.* And the aforeſaid *Rowland* ſaith, That the aforeſaid Plea of the aforeſaid *Arthur*, in manner and form aforeſaid, above by Replication pleaded, is not ſufficient in Law, to maintain the ſaid *Arthur* to have his Action aforeſaid againſt him, and that he to that Replication in form aforeſaid pleaded, needeth not, nor is bound by the Law to Anſwer; And this he is ready to aver, Wherefore for want of a ſufficient Replication in this behalf, The ſaid *Rowland* demandeth Judgement, and that the aforeſaid *Arthur*, from having his Action aforeſaid againſt him be barred, *&c.* And the aforeſaid *Arthur*, in as much as he ſufficient matter in Law, to have and maintain his Action aforeſaid againſt the ſaid *Rowland*, above by Replication hath alleged, which matter the aforeſaid *Rowland* doth not deny, nor to the ſame any wayes anſwereth, but that averment utterly refuſeth to admit, as at firſt demandeth Judgement and his damages, by occaſion of the Treſpaſs aforeſaid to him to be adjudged: And becauſe the Juſtices here will aviſe themſelves of and upon the premiſes before they give their Judgement thereof, Day is given to the parties aforeſaid here until in 8. dayes of the Purification of the bleſſed *Mary*, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof not yet, *&c.* At which day here cometh as well the ſaid *Arthur*, as the aforeſaid *Rowland*, by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before they give their Judgement thereof, Day is given to the parties here, until from the day of *Eaſter* 15. dayes, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof not yet, *&c.* At which day cometh as well the aforeſaid *Arthur*, as the aforeſaid *Rowland* by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, further day is given to the parties here, until the Morrow of the *Holy Trini-*

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ty, to hear their Judgement thereof, becauſe the Juſtices here thereof not yet, &c. At which day here cometh as well the aforeſaid *Arthur*, as the aforeſaid *Rowland*, by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes before they give their Judement thereof; Day is given to the parties here in 8. dayes of Saint *Michael*, to hear their Judgement thereof, becauſe the Juſtices here thereof not yet, &c. At which day here cometh as well the aforeſaid *Arthur*, as the aforeſaid *Rowland*, by their Attornies aforeſaid; And becauſe the Juſtices here will further aviſe themſelves of and upon the premiſes, before they give their Judgement thereof; Day further is given to the parties here until in 8. dayes of Saint *Hillary*, to hear their Judgement thereof, becauſe the Juſtices here thereof not yet; At which day, here cometh as well the ſaid *Arthur*, as the aforeſaid *Rowland* by their Attornies aforeſaid, and upon this, the Plea aforeſaid being ſeen, as alſo the Plea of the aforeſaid *Arthur*, above by Replication pleaded, and by the Juſtices here fully underſtood; It ſeemeth to the ſame Juſtices here, that that Plea in manner and form aforeſaid pleaded, is not ſufficient in Law to maintain the ſaid *Arthur*, to have and maintain his Action aforeſaid, againſt the aforeſaid *Rowland*; Therefore it is granted, That the aforeſaid *Arthur* take nothing by his Writ aforeſaid, but be in Mercy for his falſe clamour, and that the aforeſaid *Rowland* thereof go without day, &c. Afterwards, that is to ſay, the 30th. day of *Aprill*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 42th. The Record and Proceſſe of the Plaint aforeſaid, with all the ſame, by virtue of a Writ of the ſaid Lady the Queen for Correcting Errors, whoſe date is at *Weſtminſter*, the 12th. day of *Aprill*, in the 42th. yeer aforeſaid, to *Edmond Anderſon Knight* directed, and the aforeſaid Defendant, touching, before the ſaid Lady the Queen whereſoever, &c. are ſent, &c.

TRESPAS.

Eaſter Term, Anno 21. *ELIZABETH*, *Rot.* 58. in the *KING'S-BENCH*, C.1. part, *Shelleys* Caſe. *fol.* 88. *b.*

Memorandum, That at another time, That is to ſay, in *Hillary Term* laſt paſt, before the Lady the Queen at *Weſtminſter*, came *Nicholas Wolfe*, by *Nicholas Moſley* his Attorny; And brought in the Court of the ſaid Lady the Queen, then there his Bill againſt *Henry Shelley Eſquire*, of a Plea of Treſpaſs, & are Pledges of Sute, that is to ſay, *John Doo* & *Ric. Roo*, which Bill followeth in theſe words; that is to ſay, *ſſ. Suſſex ſſ. Nicholas Wolfe* complaineth of *Henry Shelley Eſquire*, in the Cuſtody of the Marſhal of the Marſhalſey of the Lady the Queen, before the Lady the Queen her ſelf being, of that, That he, the 7th. day of *November*, in the yeer of the Reign of the ſaid Lady the Queen that now is of *England* the 20th. with force and Arms, &c. The Cloſe and Houſe of him the ſaid *Nicholas*, called *Barhamwick*, otherwiſe *Suſſex.*

therwiſe *Barhamweek*, at *Augmering* in the County aforeſaid, broke and entred, and his graſs there to the value of 100. Marks there late growing, with certain Cattel, that is to ſay, Horſes, Oxen, Cows, Hoggs and Sheep, fed, trod and conſumed, and other harms to him did, againſt the Peace of the ſaid Lady the Queen that now is, to the damage of the ſaid *Nicholas*, 100. pound, and thereof he bringeth Sute, *&c* And now at this day, that is to ſay, *Wedneſday* next, after 18. dayes of *Eaſter* this Term, until which day, the ſaid *Henry Shelley* had leave to the Bill aforeſaid to imparl, and then to Anſwer, *&c.* before the Lady the Queen at *Weſtminſter*, cometh as well the aforeſaid *Nicholas Wolfe*, by his Attorny aforeſaid, as the aforeſaid *Henry Shelley*, by *Richard Beſt* his Attorny, and the ſaid *Henry* doth defend the force and injury when, *&c.* And ſaith, He is not thereof guilty, And of this puts himſelf upon the Country, And the ſaid *Nicholas* likewiſe, *&c.* Therefore a Jury thereof is to come before the Lady the Queen at *Weſtminſter*, upon *Friday* next after the Morrow of the *Holy Trinity*: And who neither, *&c.* To Recognize, *&c.* Becauſe as well, *&c.* Afterwards the Proceſſe thereof is continued between the parties aforeſaid, of the Plea aforeſaid, by Jurors put thereof between them in reſpite, before the Lady the Queen at *Weſtminſter*, until the day of *June*, next after 3. Weeks of *Eaſter* then next following, for default of Jurors, *&c.* At which day, before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid by their Attornies aforeſaid, And the Jurors of the Jury aforeſaid, being called likewiſe come, who to ſay the truth of the premiſes, choſen, tryed, and ſworn, ſay upon their Oath, That long before the time of the Treſpaſs ſuppoſed to be done, The Lord *Henry*, late King of *England* the 8th. Father of the Lady the Queen that now is, amongſt other things was ſeized of the Tenements aforeſaid with the Appurtenances, in the Declaration aforeſaid above ſpecified, in his Demeſn as of Fee in the Right of his Crown of *England*; And the ſaid late King ſo thereof being ſeized, before the time in which, *&c.* By his Letters Patents with the Great Seal of *England* ſealed, bearing date at *Weſtminſter* the 14th. day of *May*, in the yeer of his Reign the 32th. had given, and granted the Tenements aforeſaid with the Appurtenances, amongſt other things, to *Ann Cobham* Widow, To have and to hold the Tenements aforeſaid with the Appurtenances, amongſt other things to the ſaid *Ann Cobham* and her Aſſigns, for the term of the life of the ſaid *Ann*, rendring therefore to the ſaid late King, his Heirs and Succeſſors, 3. pound, 2. ſhillings, 8. pence Sterling, at the Court of Augmentation and Revenew of his Crown, at the Feaſt of Saint *Michael* the Archangel, yeerly to be paid, and after the deceaſe of the aforeſaid *Ann*, The ſaid late King, by his Letters Patents, willed and granted, That the Tenements aforeſaid with the Appurtenances, amongſt other things to one *Edward Shelley Eſquire*, and *Johan* his Wife, and to the Heirs of the Bodies of them the ſaid *Edward* and *Johan*, between them lawfully to be begotten; To be holden of the aforeſaid late King, his Heirs and Succeſſors, by the Service of the 20th. part of a Knights Fee; And yeelding therefore yeerly to the ſaid late King, his Heirs and Succeſſors, 3. pound, 2. ſhillings, 8. pence Sterling, at the Court of Augmentation and Revenew of his Crown aforeſaid, at the Feaſt of Saint *Michael* the Archangel, every yeer to be paid, for all Services and demands whatſoever, to the ſaid late King his Heirs and Succeſſors, any wayes to be rendred, payed, or done. And if it ſhould happen the ſaid *Edward*, and *Johan* his Wife, to

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the without iſſue of their bodies lawfully by them begotten, Then the ſaid late King willed and granted by his ſaid Letters Patents, that the Tenements aforeſaid with the Appurtenances amongſt other things ſhould wholly remain to the right Heirs of the ſaid *Edward Shelley* for ever, to be holden of the aforeſaid late King, his Heirs and Succeſſors by the Rent and Services aforeſaid for all Services and demands, as by the ſaid Letters Patents amongſt other things more fully appeareth: By vertue of which gift and grant, the ſaid *Anne Cobham*, into the Tenements aforeſaid with their Appurtenances amongſt other entred, and was thereof ſeized in her Demeſn as of Freehold, the remainder thereof in form aforeſaid; And the ſaid *Anne* ſo thereof being ſeized, afterwards, and before the time in which, &c. that is to ſay the day in the year of the Reign of the ſaid late King *Henry* the 8th. At *Worminghurſt* in the ſaid County of *Suſſex* died. After the death of which *Anne*, the aforeſaid *Edward Shelley* and *Joham* his wife into the Tenements aforeſaid, with the Appurtenances amongſt other things entred, and were thereof ſeized in Demeſn as of Fee-tail, that is to ſay, to them, and the heirs of the body of them the ſaid *Edward* and *Joham*, the remainder unto the ſaid *Edward* and his Heirs in form aforeſaid: And ſo thereof being ſeized the ſaid *Edward* and *Joham* had iſſue of their bodies *Henry Shelley* father of the aforeſaid *Henry Shelley* now Defendant his eldeſt Son, and *Richard Shelley* his ſecond Son; which *Richard Shelley* is yet living, and in full life, and that the ſaid *Edward* and *Johan* being thereof ſo ſeized, the ſaid *Johan* afterwards, and before the time of the Treſpaſs aforeſaid died, and the aforeſaid *Edward* her overlived, and held himſelf in the Tenements aforeſaid with the Appurtenances, and was thereof ſeized in his Demeſn as of Fee-tail, the remainder thereof to him and his Heirs for ever, as before is ſaid: And the ſaid Jurors alſo ſay upon their Oaths aforeſaid, That the ſaid *Henry* Father of the aforeſaid now Defendant had iſſue of his body, lawfully begotten *Mary Shelley* his daughter; and that the ſaid *Henry Shelley* died in the life of the ſaid *Edward* his Father: one *Anne*, then wife of the ſaid *Henry* being quick and great with childe with the aforeſaid *Henry Shelley* now Defendant in the Declaration named; And the ſaid *Edward Shelley* ſo being thereof ſeized, afterwards the 25th. day of *September* in the years of the Reigns of *Philip* and *Mary* late King and Queen the firſt and ſecond, by his Indenture ſealed, with his Seal bearing date the ſaid day and year firſt delivered the ſixth day of *October* then next following, made between him the ſaid *Edward Shelley* by the name of *Edward Shelley* of *Worminghurſt* in the County of *Suſſex* Eſquire, of the one part; and *Richard Cooper*, and *William Marten* of the other part, the tenour of which Indenture followeth in theſe words. *ſſ.* This Indenture, made the 25th. day of *September*, in the firſt and ſecond years of the Reigns of our Soveraign Lord and Lady *Philip* and *Mary*, by the grace of God, King and Queen of *England*, *France*, *Neapolis*, *Jeruſalem*, and *Ireland*, Defenders of the Faith, Princes of *Spain*, and *Cicil*, Archdukes of *Auſtria*, Dukes of *Millain*, *Burgundy* and *Brabant*, Earls of *Haſpurg*, *Tirol* and *Flanders*; between *Edward Shelley* of *Worminghurſt* in the County of *Suſſex* Eſquire of the one part, and *Richard Cooper*, and *William Martin* of the other part, Witneſſeth, That it is fully Covenanted, Granted, Condeſcended and Agreed between the ſaid Parties in manner and form following; That is to ſay, firſt the ſaid *Edward Shelley* for, and upon divers great and urgent cauſes and conſiderations him moving,

doth Covenant, Grant, Condeſcend, Promiſe, and Agree for him his Heirs and Executors, to and with the ſaid *Richard Cooper*, and *William Martin* and their Executors by theſe Preſents, That he the ſaid *Edward Shelley* ſhall permit, cauſe, and ſuffer the ſaid *Richard Cooper*, and *William Martin*, or the ſurvivor of them, at the proper coſts and charges of him the ſaid *Edward Shelley*, his Heirs and Executors, Adminiſtrators, or Aſſigns, on this ſide the Feaſt of *All Saints* next enſuing the date of theſe preſents, to recover againſt him the ſaid *Edward*, his Heirs or Aſſigns, by Writ of *Entre ſur Diſſeiſin en le Poſt*, The Mannors of *Worminghurſt*, *Barhamwick*, and *Fyndon*, with the Appurtenances in the ſaid County of *Suſſex*, and all other his Lands, Tenements, Poſſeſſions, and Hereditaments with the Appurtenances, ſet, lying and being in *Fyndon*, *Worminghurſt*, *Barhamwick*, *Patching*, *Eaſtangmering*, *Weſtangmering*, *Wyginholt*, *Sterington*, *waſhington*, *Aſhington*, *Grenſted*, *Aſhhurſt*, *Stening*, *Wilſton*, *Thackham*, and *Shopley*, in the ſaid County. Except only the Manors of *Sillington*, and *Cobden*, with the Appurtenances, in the ſaid County, and except alſo, all thoſe Lands, Tenements, and Hereditaments, called or known by the name of *Cobden*, *Pullets*, *Firſes*, and *Palmeriſhcomb*, with all and ſingular their appurtenances: And the ſaid *Edward Shelley* covenanteth, Granteth, and Promiſeth by theſe preſents to and with the ſaid *Richard Cooper* and *William Martin*, that at the time of the ſaid Writ of Entry brought againſt him of the Premiſes, and at the time of the ſaid Recovery had, he the ſaid *Edward* ſhall be ſole Tenant of the Freehold of all and ſingular the ſaid Mannors (except before excepted) and that the ſaid Writ ſhall be brought and ſued againſt him the ſaid *Edward Shelley*, of all and ſingular the ſaid Manors and Premiſes (except before excepted) by the name of the Manor of *Worminghurſt*, *Barhamwick* and *Fyndon* with the Appurtenances, and by the name of 30 Meſſuages, 10. Tofts, one Water-mill, 2. Culver-houſes, 30. Gardens, 400. Acres of Land, 60. Acres of Meadow, 400. Acres of Paſture, 120. Acres of Wood, 500. Acres of Firzes and Heath, and eight pound 10 s. of Rent with the Appurtenances in *Fyndon*, *Worminghurſt*, *Barhamwick*, *Patching*, *Eſtangmering*, *Weſtangmering*, *Wyginholt*, *Storington*, *Waſhington*, *Aſhington*, *Grenſted*, *Aſhhurſt*, *Stening*, *Wilſton*, *Thackham* and *Shopley*, and of the Advowſon of the Church of *Worminghurſt*; and that the ſaid Recovery had of all and ſingular the premiſes, ſhall be ſuffered and had, to the uſes, profits, behoofs and intents hereafter ſpecified and declared, and to none other uſe or intent, That is to ſay, Of the ſaid Mannor of *Fyndon*, with the Appurtenances (except the Park of *Fyndon*, and except alſo all thoſe Lands, Tenements, and Hereditaments in *Fyndon* aforeſaid, called or known by the name of the Park of *Fyndon*) the ſaid Recovery thereof ſhall ſtand and be to the only uſe profit and behoof of him the ſaid *Edward Shelly*, and of the Heirs males of his body lawfully to be begotten; and for lack of ſuch iſſue, to the uſe, profit and behoof of the heirs Males of the body of *John Shelley* Eſquire, ſometimes of *Michael Grove* deceaſed, Father of the ſaid *Edward*, and of the heirs Males of the body of the ſaid heirs Males, lawfully begotten, and for lack of ſuch Iſſue to the uſe and behoof of the right Heirs of the ſaid *Edward Shelley* for ever; And of the ſaid Manors of *Worminghurſt*, and *Barhamwick* with the Appurtenances; and of the ſaid Park of *Fyndon*, and of all the ſaid Lands, Tenements, and Hereditaments called or known by the name of the Park of *Fyndon*, and of all and ſingular other the premiſes with the Appurtenances compriſed, or to be compriſed in the ſaid Writ

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of Entry, and in the ſaid recovery, it is granted, condeſcended and agreed between the ſaid parties, and the ſaid *Edward Shelley* covenanteth & granteth, That the ſaid Recovery thereof ſhall be ſuffered and had to the only uſe, profit, and behoof of them the ſaid *Edward Shelley*, and his Aſſigns, for, and during the term of the life natural of the ſaid *Edward Shelley* without impeachment of, or for any manner of waſte, and after the deceaſe of the ſaid *Edward Shelley* then to the only uſe, profit and behoof of *John Carrel*, and *John Apſley* of *Thackham* Eſquires, and *Edward Darkenold* of *Slynford* in the ſaid Gounty of *Suſſex* Yeoman, and of their Executors and Aſſigns for and during the term of 24. years next enſuing, after the deceaſe of the ſaid *Edward Shelley*, and after the 24. years ended, then to the only uſe, profit and behoof of the Heirs Males of the body of the ſaid *Edward Shelley* lawfully begotten; and for lack of ſuch iſſue, then to the uſe, profit and behoof of the Heirs Males of the body of the ſaid *John Shelley*, ſometimes of *Michael Grove*, Eſquire, deceaſed, father unto the ſaid *Edward Shelley*, and to the Heirs Males of the body of the ſaid Heirs Males laſt before rehearſed lawfully begotten, and for lack of ſuch iſſue, to the uſe, profit, and behoof of the right heirs of the ſaid *Edward Shelley* for ever. And the ſaid *Edward Shelley* further Covenanteth, Promiſeth, and granteth to and with the ſaid *Richard Cooper*, and *William Martin*, That he the ſaid *Edward Shelley* ſhall and will from time to time, do ſuffer, procure, make and acknowledge, and cauſe to be had, done, ſuffered, procured and acknowledged, at his own proper coſts and charges, All and every ſuch act and acts, thing and things as ſhall be deviſed or aviſed by the ſaid *Richard Cooper* and *William Martin* or the ſurvivor of them, as well for the ſaid recovery to be perfectly, ſurely, and lawfully had and executed, of all and ſingular the ſaid Mannors, Lands, Tenements and Hereditaments, with the Appurtenances by the ſaid *Richard Cooper* and *William Martin*, to the uſes, purpoſes and intents in theſe Indentures ſpecified declared, and contained; as alſo for the further ſurety, eſtabliſhment, execution, perfecting and continuance of all and every the ſaid uſes, eſtates, and other the premiſes to be and go according to the Covenants, promiſes, Articles, and Agreements in theſe preſent Indentures contained: In witneſs whereof the parties aboveſaid to theſe preſent Indentures interchangeably have ſet their Seals the day and year firſt aboveſaid. And the Jurors aforeſaid further ſay upon their Oath, That the Tenements aforeſaid in the Indenture aforeſaid excepted, are not the Lands & Tenements in the Declaration aboveſaid ſpecified: And that the aforeſaid *Edward Shelley* ſo being thereof ſeized, The aforeſaid *Richard Cooper* and *William Martin* the 20th. day of *September* in the year of the Reigns of the ſaid late King and Queen the firſt and ſecond aboveſaid, out of the Court of the ſaid late King and Queen of their Chancery at *Weſtminſter* in the County of *Middleſex* ſued forth a Writ of the ſaid late King and Queen, to the then Sheriff of *Suſſex* directed againſt the ſaid *Edward Shelley*. By which Writ it was commanded the ſaid Sheriff of *Suſſex*, That he command the aforeſaid *Edward Shelley* that juſtly and without delay he render to the aforeſaid *Richard Cooper* and *William Martin*, the Manors of *Worminghurſt*, *Barhamwick*, and *Fyndon* with the Appurtenances, as alſo 30. Meſſuages, 10. Toſts, one Water-Mill, two Dove houſes, thirty Gardens, 400. Acres of Land, 60. acres of Meadow, 400. acres of Paſture, 120. acres of Wood, 500. acres of Firzes and Heath; and 8 l. 10 s. Rent with the appurtenances

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in *Fyndon*, *Wominghurſt*, *Barhamwick*, *Patching*, *Eſtangmering*, *Weſtangmering*, *Wighenhold*, *Storington*, *Aſhington*, *Greenſted*, *Aſhurſt*, *Stering*, *Weſton*, *Thackham*, and *Shipley*, And alſo the Advowſon of the Church of *VVarminghurſt*, which he claimeth to be his Right and Inheritance; And in which the ſaid *Edward* had not Entry, But after Diſſeiſin with *Hugh Hunt*, thereof unjuſtly and without Judgement did to the aforeſaid *Richard* and *William*, within 30. yeers then laſt paſt, as they ſaid; And whereupon they complained, That the aforeſaid *Edward*, them Deforced, *&c.* And unleſſe he ſhould do it; And the aforeſaid *Richard* and *William*, him the ſaid Sheriff ſecured, for the proſecuting of his claim, Then he ſummon the aforeſaid *Edward*, that he be before the Juſtices of them the ſaid late King and Queen at *Weſtminſter*, in 8. dayes of Saint *Michael* then next inſuing, to ſhew wherefore he had not done it, and to have there the Summons & the Writ aforeſaid; At which 8. dayes after Saint *Michael*, before the Juſtices of the ſaid late King and Queen, come the aforeſaid *Richard Cooper*, and *William Martin*, by *John Biſh* their Attorny; And the Sheriff, that is to ſay, *Thomas Saunders Knight*, retorned that *Richard* and *William*, found to the ſaid Sheriff, Pledges for proſecuting, that is to ſay, *John Doo*, & *Richard Roo*, and that the aforeſaid *Edward*, was ſummoned by *John Den*, and *Richard Fen*. And the ſaid *Edward Shelley*, according to his ſummons aforeſaid, to him in form aforeſaid made, by *Thomas Ingler* his Attorny, came; And upon this, the aforeſaid *Richard Cooper*, and *William Martin*, by their Attorny aforeſaid, demanded againſt the aforeſaid *Edward Shelley*, the Manors of *Worminghurſt*, *Barhamwick*, and *Fyndon* with the Appurtenances, as alſo 30. Meſſuages, 10. Tofts, one Water-Mill, 2. Dove-houſes, 30. Gardens, 400. Acres of Land, 60. Acres of Meadow, 400. Acres of Paſture, 120. Acres of Wood, 500. Acres of Furz and Heath, and 8. pound, 10. ſhillings Rent, with the Appurtenances in *Fyndon*, *Worminghurſt*, *Barhamwick*, *Patching*, *Eſtangmering*, *Weſtangmering*, *Wighenholt*, *Sterrington*, *VVaſhington*, *Aſhington*, *Greneſted*, *Aſhereſt*, *Stening*, *Wiſton*, *Thackham*, and *Shipley*, As alſo the Advowſon of the Chutch of *VVorminghurſt*, as his Right and Inheritance, and which the ſaid *Edward* had not Entry, but after Diſſeiſin with *Hugh Hunt*, unjuſtly and without Judgement did to the aforeſaid *Richard* and *William*, within 30. yeers then laſt paſt, *&c.* And whereupon they ſaid, that they themſelves were ſeized of the Manors, Tenements, and Rents aforeſaid with the Appurtenances, in their Demeſn as of Fee and Right, and alſo of the Advowſon of the Church aforeſaid, as of Fee and Right in time of Peace, in the time of the ſaid late King and Queen, taking the Profits thereof to the value, *&c.* And in which, *&c.* And thereupon brought Sute *&c.* And the ſaid *Edward*, by the aforeſaid *Thomas Ingler* his Attorny, cometh and defendeth his Right when, *&c.* And voucheth thereof to warranty *Henry Siliborn*, who preſent here in his proper perſon in Court, freely the Manors, and Tenements, and Rents aforeſaid, to him doth warrant, *&c.* And upon that, The aforeſaid *Richard* and *William*, demanded againſt him the ſaid *Henry*, Tenant by his warranty, the Manors, Tenements, and Rents aforeſaid with the Appurtenances, and the Advowſon aforeſaid, in form aforeſaid: And whereupon they ſaid, That they themſelves were ſeized, of the Manors, Tenements, and Rents aforeſaid with their Appurtenances, in their Demeſn as of Fee and Right, and alſo of the Advowſon aforeſaid, as of Fee and Right in time of Peace, in the time of the ſaid late King and Queen, taking thereof the Profits to the va-

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lue, &c. And in which, &c. And thereof brought Sute, &c. And the aforeſaid *Henry*, Tenant by his warranty, defended his Right when, &c. And ſaid, That the aforeſaid *Hugh* did not diſſeiſe the aforeſaid *Richard* and *William*, of the Manors, Tenements, and Rents aforeſaid with the Appurtenances; And alſo of the Advowſon aforeſaid, as the ſaid *Richard* and *William*, by their Writ and Declaration above ſuppoſed. And of this put himſelf upon the Country, &c. And the aforeſaid *Richard* and *William*, prayed leave to imparl, and had it, &c. And afterwards the ſaid *Richard* and *William*, Retorned back hither into Court the ſame Term, by their Attorny aforeſaid, And the aforeſaid *Henry*, although ſolemnly called, did not retorn, but in Contempt of the Court departed and made default. Therefore it was granted by the Court, in the aforeſaid 8. dayes of Saint *Michael*, That the ſaid *Richard* and *William*, ſhould recover their ſeiſin againſt the aforeſaid *Edward*, of the Manors, Tenements, and Rents aforeſaid with the Appurtenances, And alſo of the Advowſon aforeſaid; And that the ſaid *Edward* ſhould have of the Lands of the ſaid *Henry*, to the value, &c. And the ſaid *Henry* ſhould be in Mercy, &c. And upon this, immediatly the aforeſaid *Richard Cooper*, and *William Martin*, in the aforeſaid Court, prayed the Writ of the Lord and Lady the Queen, to the then Sheriff of *Suſſex* to be directed, to give them full ſeiſin of the Manors, Tenements, and Rents aforeſaid with the Appurtenances, and alſo of the Advowſon aforeſaid, and the Writ was granted unto them, bearing date the 9th. day of *October*, in the yeers of the Reigns of the aforeſaid late King and Queen *Philip* and *Mary*, the firſt and ſecond aboveſaid, Retornable here from the day of Saint *Michael*, in one Moneth then next following; And further the ſaid Jurors ſay upon their Oath aforeſaid, That the Tenements aforeſaid called, *Rarhamwick*, in the Declaration aforeſaid ſpecified, and the Tenement aforeſaid called *Barhamwick*, in the Record of the Recovery aforeſaid above mentioned, are one and the ſame Tenements, and not others, nor divers; And that the Recovery aforeſaid was for the intentions in the aforeſaid Indenture ſpecified, And that the ſaid *Edward Shelley* dyed the 9th. day of *October*, in the yeers of the Reigns of the ſaid late King and Queen the firſt and ſecond, between the hours 5. and 6. in the Afternoon of the ſame day; And that afterwards, that is to ſay, the 19th. day of *October* then next following, the then Sheriff of the ſaid County of *Suſſex*, That is to ſay, *Thomas Saunder Knight*, by virtue of the VVrit aforeſaid, gave full ſeiſin to the aforeſaid *Richard Cooper*, and *William Martin*, of the Manors, Tenements, and Rents aforeſaid with the Appurtenances, and alſo of the Advowſon aforeſaid. And further, the aforeſaid Jurors ſay upon their Oath aforeſaid, That one *Richard Belchamber*, the aforeſaid time of the death of the aforeſaid *Edward*, and at the time of the Recovery aforeſaid, and the Execution thereof, and long before the bringing of the aforeſaid VVrit of Entry Sur Diſſeiſin in the *Poſt*, was Tenant of the Tenements aforeſaid, and poſſeſſed of the Tenements aforeſaid in the Declaration aforeſaid ſpecified, for the Term of divers yeers then to come, by reaſon of a Demiſe thereof made to the aforeſaid *Richard Belchamber*, by the aforeſaid *Edward Shelley*, long before the bringing of the aforeſaid VVrit of Entry Sur Diſſeiſin in the *Poſt*. And afterwards, that is to ſay, the 4th. day of *December*, in the yeers of the Reigns of the aforeſaid late King and Queen the firſt and ſecond, the aforeſaid *Henry Shelley*, the now Defendant, was born of the ſaid *Ann* his Mother, late the VVife of the

aforeſaid *Henry Shelley*, Father of the ſaid *Henry* Defendant, which ſaid *Henry* the Father, was the Eldeſt Son of the aforeſaid *Edward Shelley*. And that the aforeſaid *Mary Shelley*, was then alive, and in full Life. And that the aforeſaid *Richard Shelley* afterwards, after the Expiration of the ſaid Term of yeers, Demiſed to the aforeſaid *Richard Belchamber*, by the aforeſaid *Edward Shelley*, as before is ſaid, that is to ſay, the 9th. day of *October*, in the yeer of the Reign of the ſaid Lady the Queen that now is, at *Augmering* aforeſaid, into the Tenements aforeſaid, in the Declaration aforeſaid ſpecified entred, and then and there demiſed the Tenements aforeſaid, in the Declaration mentioned, to the aforeſaid *Nicholas Wolfe*, To have, and to hold to the ſaid *Nicholas*, and his Aſſigns, from the Feaſt of Saint *Michael* the Archangel then laſt paſt, until the end and Term of 21. yeers, from thence next following fully to be compleated. By virtue of wch Demiſe, The ſaid *Nicholas* into the Tenements aforeſaid with the Appurtenances entred, and was thereof poſſeſſed, until the aforeſaid *Henry Shelley* now Defendant, the aforeſaid 7th. day of *November*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 20th. aforeſaid, with force and Arms, *&c.* the Cloſe and Houſe aforeſaid, brake and entred, and the Graſſe aforeſaid, with his Cattel, was eaten, trodden, and conſumed, in manner and form, as the aforeſaid *Nicholas*, above againſt him declared. And they pray the Adviſe of the Lady the Queen here, And if upon the whole matter aforeſaid found, It ſhall ſeem to the Court of the Lady the Queen here, That the Entry of the aforeſaid *Henry*, into the Tenements with the Appurtenances, upon the poſſeſſion of the ſaid *Nicholas*, be a good and a lawful Entry in Law, Then the ſaid Jurors ſay upon their Oath, That the aforeſaid *Henry* is not guilty of the Treſpaſs aforeſaid, in manner and form, as the ſaid *Nicholas Wolfe* now Plaintiff, above in pleading hath alleged; And if upon the whole matter aforeſaid, it ſhall ſeem to the Court of the Queen here, That the Entry of the aforeſaid *Henry Shelley* now Defendant, into the Tenements aforeſaid with the Appurtenances, upon the poſſeſſion of the aforeſaid *Nicholas*, be not a good and lawful Entry in Law, Then the Jurors ſay upon their Oath, That the aforeſaid *Henry Shelley* now Defendant, is guilty of the Treſpaſs aforeſaid, in manner and form, as the aforeſaid *Nicholas Wolfe* above againſt him complaineth. And they aſſeſſe the damages of the ſaid *Nicholas*, by occaſion of that Treſpaſs, above his Coſts and Charges by him about his Sute in this part expended, to 20. ſhil. and for his coſts and charges to 40. ſhil. And becauſe the Court of the Lady the Queen here, of giving their Judgement thereof is not yet aviſed, Day is given to the parties aforeſaid until the Morrow of the *Holy Trinity*, to hear their Judgement thereof, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid; And becauſe the Court of the Lady the Queen here of giving their Judgement is not yet aviſed of and upon the premiſes, Day is given to the parties aforeſaid, before the Lady the Queen at *WEST-MINTER*, until *Monday* next after 8. dayes of St. *Michael*, to hear their Judgement thereof, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties by their Attornies aforeſaid; And becauſe the Court of the Lady the Queen here is not yet aviſed of giving their Judgement of and upon the premiſes, Day thereof is given to the parties aforeſaid

ſaid, before the Lady the Queen at *Weſtminſter*, until *Monday* next after 18. dayes of Saint *Hillary*, to hear their Judgement thereof, *&c.* becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid; And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter*, until *Wedneſday* next after 18. dayes of *Eaſter*, to hear their Judgement thereof, *&c.* Becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid; And becauſe the Court of the Lady the Queen of giving their Judgement of and upon the premiſes is not yet aviſed, day is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter*, upon *Friday* next after the Morrow of the *Holy Trinity*, to hear their Judgement thereof, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid. Upon which ſeen, and by the Court of the Lady the Queen here, all and ſingular the premiſes fully underſtood, & mature deliberation thereof being had, For that it ſeemeth to the Court of the ſaid Lady the Queen here upon the whole matter aforeſaid, in form aforeſaid found, That the aforeſaid Entry of the aforeſaid *Henry Shelley* now Defendant, into the Tenements aforeſaid with the Appurtenances, upon the poſſeſſion of the ſaid *Nicholas*, is a good and lawful Entry in Law; Therefore it is granted, That the aforeſaid *Nicholas Wolfe*, take nothing by his Bill aforeſaid, but for his falſe Clamour be in Mercy, And the aforeſaid *Henry Shelley* go thereof without day, *&c.*

TRESPAS.

Michaelmaſſe Term, Anno 27. & 28. *ELIZABETH*, in the *KINGS-BENCH*, Rot. 58. Co. 1. part. *Albanyes* Caſe *fol.* 107.

MEmorandum, That upon *Saturday* next, after 8. dayes of Saint *Michael* this Term, before the Lady the Queen at *Weſtminſter*, came *John Greendon Gentleman*, by *William Goldſmith* his Attorny, and brought here in the Court of the ſaid Lady the Queen there, his Bill againſt *Thomas Albany*, in the Cuſtody of the Marſhal, *&c.* of a Plea of Treſpaſs, and are Pledges of Sute, *John Doo*, and *Richard Roo*, which Bill followeth in theſe words; *ff. Middleſex ff. John Greendon Gentleman*, complaineth of *Thomas Albany*, in the Cuſtody of the Marſhal of the Marſhalſey, before the Queen her ſelf being, For that, That he the firſt day of *June*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 27th. with force and Arms, *&c.* the Cloſe of him the ſaid *John*, at *Willeſdon*, broke and entred, and his Graſs to the value of 10. pound, there then growing, with certain *Middleſ.*

Cattel, that is to ſay, Horſes, Oxen, Cows and Sheep, fed, trod and conſumed, and other harms to him did, to the great damage of the ſaid *John*, and againſt the Peace of the Lady the Queen that now is, whereupon he ſaith, that he is the worſe, and hath damage to the value of 20. pound, and thereof bringeth Sute, *&c.* And the aforeſaid *Thomas Albany*, cometh by *Anthony Felton* his Attorny, and defendeth the force and injury when, *&c.* And as to the coming with force and arms, and whatſoever is againſt the Peace of the ſaid Lady the Queen that now is, ſaith, That he is not thereof guilty, and of this puts himſelf upon the Country, And the ſaid *John* likewiſe, *&c.* And as to the reſt of the Treſpaſs ſuppoſed to be done, The ſaid *Thomas* ſaith, ought not to have or maintain his Action againſt him, becauſe he ſaith, That the place in which it is ſuppoſed the Treſpaſs aforeſaid to be done, containeth, and at the time in which, *&c.* did contain in it ſelf 20. Acres of Paſture, with the Appurtenaaces in *Willeſdon* aforeſaid; and as to any Treſpaſs in five Acres, parcel of the ſaid 20. Acres, the ſaid *Thomas* ſaith, That long before the time, in which it is ſuppoſed the Treſpaſs aforeſaid to be done, one *Francis Bunny* was ſeized of the aforeſaid 20. Acres of Paſture, in which, *&c.* in his Demeſn as of Fee, and ſo thereof being ſeized before the aforeſaid time in which, *&c.* that is to ſay, The firſt day of *May* in the year of the Reign of the Lady the Queen that now is, the 20th. by his Deed of *Feoffment*, here into Court brought, bearing date the ſame day and year enfeoffed, one *Miles Hilycock* of the aforeſaid 20. Acres of Paſture, with the Appurtenances, in which, *&c.* To have, and to hold to the ſaid *Miles*, and his heirs for ever, to the uſe of the ſaid *Francis* for the term of the life of the ſaid *Francis*, and after the death of the ſaid *Francis* to the uſe of one *David Bunny*, and the Heirs of his body lawfully begotten; and for lack of ſuch iſſue to the uſe of *Nicholas Bunny*, and the heirs of his body lawfully begotten; and for lack of ſuch iſſue to the uſe of *Walter Bunny*, and the heirs of his body lawfully begotten, and for lack of ſuch iſſue, to the uſe of *Stephen Bunny*, and his heirs for ever; By vertue of which Feoffment, and by force of certain Act in Parliament of the Lord *Henry* late King of *England* the 8th. at *Weſtminſter* in the County of *Middleſex*, the 4th. day of *February*, in the year of his Reign the 27th. of transferring uſes in poſſeſſion, holden, made, The aforeſaid *Francis* was of the aforeſaid 20. Acres of Paſture with the appurtenances ſeized in his Demeſn as of Freehold, the remainder thereof after the death of the aforeſaid *Francis* to the aforeſaid *David*, and the Heirs of his body lawfully begotten, the remainder thereof to the aforeſaid *Nicholas* and the heirs of his body lawfully begotten, the remainder thereof to the aforeſaid *Walter*, and the heirs of his body lawfully begotten, the remainder thereof to the aforeſaid *Stephen*, and his heirs for ever exptctant: and the aforeſaid *Francis* ſo of the aforeſaid 20. acres with the appurtenances in form aforeſaid being ſeized, the remainder thereof to the aforeſaid *David* in form aforeſaid expectant: The ſaid *Francis* afterwards, and before the time in which, *&c.* that is to ſay, the firſt day of *May* in the year of the Reign of the Lady the Queen that now is the 21th. enfeoffed one *Richard Tomſon* of the aforeſaid 20. acres of Paſture with the appurtenances, To have and to hold to the ſaid *Richard* his heirs and aſſigns for ever. By vertue of which, the ſaid *Richard* was of the ſaid 20. acres of Paſture with their appurtenances ſeized in his Demeſn as of Fee, by colour whereof, and for that the ſaid Feoffment was

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made to the diſinheriting of the ſaid *David*, the ſaid *David* in the aforeſaid 20. Acres of Paſture with the appurtenances entred, and was thereof ſeized in his Demeſn as of Fee-tail, the remainder thereof to the aforeſaid *Nicholas*, and the heirs of his body lawfully begotten, the remainder thereof to the ſaid *Walter*, and the heirs of his body lawfully begotten, the remainder thereof to the aforeſaid *Stephen*, and his Heirs for ever. And the aforeſaid *David* ſo thereof being ſeized, the remainder thereof in form aforeſaid expectant, the ſaid *David* afterwards, and before the time in which, *&c.* that is to ſay, the firſt day of *May* in the year of the Reign of the Lady the Queen that now is the 22th. at *Willeſdon* aforeſaid, demiſed the aforeſaid five acres of Paſture of the aforeſaid 20. acres of Paſture with the appurtenances, in which, *&c.* parcel, To one *Adam Blunt*, to have and to hold to the ſaid *Adam* from the Feaſt of St. *Michael* the Archangel laſt paſt, until the end and term of one year from thence next following and fully to be compleat. By vertue of which the ſaid *Adam Blunt* into the ſaid five acres of Paſture with the appurtenances entred, and was thereof poſſeſſed, and the ſaid *Adam* ſo being thereof poſſeſſed, afterwards and before the time in which enfeoffed the aforeſaid *Thomas Albany* of the ſaid five acres of Paſture with the appurtenances, To have and to hold to the ſaid *Thomas* his heirs and aſſigns to the proper uſe and behoof of him the ſaid *Thomas* his heirs and aſſigns for ever. By colour of which the ſaid *Thomas* was of the ſaid five acres of Paſture with the Appurtenances ſeized in his Demeſn as of Fee: and the aforeſaid *John Grendon*, claiming the ſaid five acres of Paſture with the appurtenances, by colour of a certain Deed of Demiſe to him thereof made for the term of his life by the aforeſaid *Miles Hitchcock*, whereas nothing of the ſaid five acres of Paſture in the poſſeſſion of the aforeſaid *John Grendon* by the ſaid Deed ever paſſed in the aforeſaid five acres of Paſture, with the appurtenances before the time, in which, *&c.* entred, upon whoſe poſſeſſion of the ſaid *John* thereof, the ſaid *Thomas Albany* afterwards, that is to ſay, the aforeſaid time, in which, *&c.* into the aforeſaid five acres of Paſture with the appurtenances entred, and the graſs there then growing, with the cattel aforeſaid fed, trod and conſumed, as it was lawfull for him to do, and this he is ready to aver; whereupon he prayeth judgement, if the aforeſaid *John Grendon* his action aforeſaid againſt him ought to have or maintain, *&c.* And as to any Treſpaſs in the aforeſaid 15. acres of Paſture, reſidue, the ſaid *Thomas Albany* ſaith, that the aforeſaid *John Grendon* his Action aforeſaid thereof againſt him ought not to have or maintain, becauſe he ſaith, That the aforeſaid *David* long before the Treſpaſs aforeſaid, ſuppoſed to be done, being ſeized of the aforeſaid 15. Acres of Paſture in his Demeſn as of Fee tail, as before is ſaid, before the time, in which, *&c.* that is to ſay the ſecond day of *May* in the year of the Reign of the Lady the Queen that now is the 22th. aforeſaid at *Weſtminſter* aforeſaid, by a certain Indenture, between the ſaid *David* and the aforeſaid *Thomas Albany* made, bearing date the ſame day and year, and in the Court of the *Chancery* of the ſaid Lady the Queen at *Weſtminſter* aforeſaid within ſix moneths then next following, in due manner of Record inrolled, according to the form of the Statute in ſuch caſe made and provided, one part of which ſealed with the Seal of the ſaid *David*, the ſaid *Thomas Albany* brings in Court, bargained and ſold to the ſaid *Thomas* the aforeſaid 15. acres of Paſture, reſidue, To have and

to hold to the ſaid *Thomas*, and his Heirs for ever, by colour of which Bargain, Sale, and Inrollment, the ſaid *Thomas Albany* of the aforeſaid 15. acres of Paſture was ſeized in his Demeſn as of Fee; and the aforeſaid *John Grendon* claiming the ſaid 15. acres of Paſture with the appurtenances by colour of the ſaid Deed of Demiſe to him thereof made for the term of his life by the aforeſaid *Miles Hitchcock*, where nothing of the ſaid 15. acres of Paſture in the poſſeſſion of the ſaid *John* ſo paſſed, into the ſaid 15. acres of Paſtures with the appurtenances before the time in which entred into the aforeſaid 15. acres of Land with the Appurtenances re-entred, and the graſs there then growing with the Cattel aforeſaid fed, trod, and conſumed, as it was lawfull for him to do; And this he is ready to aver, whereupon he demandeth Judgement if the ſaid *John Grendon* his Action aforeſaid againſt him ought to have or maintain, &c. And the aforeſaid *John Grendon*, aſwell unto the aforeſaid firſt Plea, as to the aforeſaid ſecond Plea of the ſaid *Thomas Albany* above in Bar pleaded, ſaith, That he for any thing in the ſaid Pleas before alledged, ought not to be barred from having his Action againſt the ſaid *Thomas*. Becauſe he ſaith, That in the aforeſaid Deed of Feoffment of the aforeſaid *Francis Bunny* in the Bar aforeſaid above ſpecified, It was provided, That if it ſhould happen one *Peter Penruddock*, to die without iſſue Male of his body lawfully begotten, not leaving his wife with Child by him in the life of the ſaid *Francis*, That then and from thenceforth it ſhould be lawfull for the ſaid *Francis* at all times at his will during his natural life, by his Writing Indented by him the ſaid *Francis* to that intent made, ſealed and ſubſcribed in the preſence of four credible and honeſt Witneſſes at the leaſt, to alter, change, determine, diminiſh, or to amplifie any uſe or uſes, limmitations, intentions or purpoſes, limited, mentioned, or appointed in and by the aforeſaid Deed of Feoffment, made by the aforeſaid *Francis Bunny* as before is ſaid, or any uſe or uſes of every, of any part or parcel of the premiſes, remainder, or remainders, rendition, or renditions, to any perſon or perſons after the death of the ſaid *Francis*, as by the ſaid Deed of Feoffment aforeſaid it more fully appeareth. And that afterwards, and before the time in which, *&c.* that is to ſay, The firſt day of *May* in the year of the Reign of the Lady the Queen, that now is, the 23th. at *Willeſdon* aforeſaid, the aforeſaid *Peter* died without iſſue Male of his body lawfully begotten, and at the time of his death had not any wife; By which the aforeſaid *Francis* afterwards, and before the time in which *&c.* that is to ſay, the 20th. day of *March*, in the year of the Reign of the Lady the Queen that now is, the 24th. at *Willeſdon* aforeſaid, By his Indenture between the aforeſaid *Francis* of the one part, and the aforeſaid *David Bunny* of the other part, ſealed, ſubſcribed, and delivered by him the ſaid *Francis* to the aforeſaid *David Bunny* in the preſence of *John Frome*, *William Cuerſie*, *Thomas Waltham*, and *John Goſtles* four credible and honeſt Witneſſes, which Indenture the aforeſaid *John Grendon*, with the ſeal of the aforeſaid *Francis* ſealed, and with his hand underwritten here in Court brings, whoſe date is the ſame 20th. day of *March* in the year of the Reign of the ſaid Lady the Queen that now is, the 24th. aboveſaid changed the uſes in the aforeſaid Deed of Feoffment above expreſſed. And by the ſame Indenture, the ſaid *Francis* Covenanted and agreed with the aforeſaid *David Bunny*, that from thenceforth the ſaid *Michael Hitchcock*, in the aforeſaid Deed of Feoffment named, and his Heirs and all others who then were, or ſhould be

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ſeized of the aforeſaid 21. Acres of Paſture with the appurtenances, in which, &c. ſhould be ſeized to the uſe of the ſaid *John Grendon*, and his Heirs for ever, as by the ſame Indenture more fully appeareth. By colour whereof, and by vertue of the Statute of transferring of uſes in poſſeſſion made, the aforeſaid *John Grendon* in the aforeſaid 20. Acres of Paſture with the Appurtenances, in which, &c. entred, and was thereof poſſeſſed in his Demeſn, as of Fee, until the ſaid *Thomas Albany*, the day and year aboveſaid in the Bill aforeſaid above ſpecified, the Cloſe of the ſaid *John Grendon* in the aforeſaid 20. Acres of Paſture broke, and his graſs to the value, &c. then their growings with his Cattel aforeſaid was fed, trod and conſumed, as he above againſt him complaineth; And this he is ready to aver; Whereupon, in as much as the aforeſaid *Thomas Albany* doth acknowledge the Treſpaſs aforeſaid in the aforeſaid 20. acres of Paſture, with the appurtenances to be done, The aforeſaid *John* demandeth Judgment, and his dammages by occaſion of the Treſpaſs aforeſaid to be to him adjudged, &c. And the aforeſaid *Thomas Albany* ſaith, That well and true it is, That in the aforeſaid Deed of Feoffment of the aforeſaid *Francis Bunny*, It was Provided, That if it ſhould happen the ſaid *Peter Penruddock*, to dye without iſſue Male of his Body lawfully begotten, not leaving his Wife with Child of a Son, in the life of the ſaid *Francis*, that then, and from thence forth it ſhould be lawful to the aforeſaid *Francis*, at all times at his will, during his natural life, by his Writing by him the ſaid *Francis*, to that intent made, in the preſence of 4. Credible and Honeſt Witneſſes at the leaſt, to alter, change, determine, or amplifie, any uſe or uſes, Limitations, Intentions, or purpoſes, limited or appointed by the aforeſaid deed of Feoffment, by the ſaid *Francis Bunny*, as before is ſaid made, or the uſe or uſes, of any part or parcel of the premiſes, Remainder or Remainders, Reverſion or Reverſions, limitted to any perſon or perſons, after the death of the ſaid *Francis*; And that afterwards, and before the time in which, &c. the aforeſaid *Peter* dyed without iſſue Male of his Body lawfully begotten, the aforeſaid *Francis*, at the time of the death of the aforeſaid *Peter*, being in full life; But the ſaid *Thomas Albany* further ſaith, That the ſaid *Francis* in the life time of the ſaid *Peter Penruddock*, that is to ſay, the firſt day of *April*, in the yeer of the Reign of the Lady the Queen that now is the 23th. at *Willeſdon* aforeſaid, By a certain Writing indented, made between him the ſaid *Francis* of the one part, and the aforeſaid *Miles Hitchcock*, and *Tho. Albany* of the other part, one part of which the ſaid *Thomas Albany*, ſealed with the Seal of the ſaid *Francis*, here in Court brings, whoſe date is the ſame day & yeer, renounced, relinquiſhed, and ſurrendred all manner of ſuch Liberty, Power, and Authority, which he the ſaid *Francis*, by force and virtue of the aforeſaid Proviſo above recited, or any Liberty in the aforeſaid deed of Feoffment, mentioned and exppreſſed, of and from the death of the aforeſaid *Peter Penruddock*, then had or ought to have, of, touching and concerning the Alteration, Changing, Determination, Diminiſhing, or Amplifying of ſuch uſe or uſes, Intentions and Limitations, as are in the ſaid Indenture limited, expreſſed, and declared. And further the ſaid *Francis*, by the ſaid Writing, Remiſed, Releaſed, and quit claimed, to the aforeſaid *Miles Hitchcock*, and *Thomas Abany*, all the aforeſaid Condition, Proviſo, Covenant and Agreement before mentioned, and all and all manner of ſuch Power, Liberty, Authority, Right, Title or Demand, which the ſaid

Franc. after the death of the ſaid *Peter*, had or could have, claim or challenge or demand, by force and virtue of the ſame Condition and Proviſo, in the aforeſaid deed of Feoffment contained; So that the ſaid *Francis*, of and from the death of the aforeſaid *Peter Penruddock*, ſhould not claim, challenge, demand, exerciſe, uſe, or have any power, liberty, or authority, to alter, change, determine, diminiſh, or amplifie any uſe or uſes, limitations, or declarations, in the aforeſaid deed of Feoffment contained, expreſſed, limited or appointed, but that the ſaid *FRANCIS*, from the death of the ſaid *Peter*, of and from all ſuch liberty, power, and authority, as before is ſaid, ſhould ſtand and remain, utterly barred, excluded, and diſcharged for ever. And further, the ſaid *Francis*, by that Writing granted to the aforeſaid *Miles* and *Thomas*, and their Heirs, that from thenceforth the aforeſaid Condition, Proviſo, Covenant and Agreement, and the aforeſaid Power, Liberty, and Authority, ſhould ceaſe and be utterly void, to all Intents, Conſtructions, and Purpoſes; And this he is ready to aver, Whereupon as at firſt, he demandeth Judgement, and that the aforeſaid *John Grendon*, from having his action aforeſaid againſt him the ſaid *Thomas Albany* be barred, *&c.* And the aforeſaid *John Grendon* ſaith, That the Plea aforeſaid, by the aforeſaid *Thomas Albany*, in form aforeſaid above by Rejoynder pleaded, and the matter in the ſame contained, is not ſufficient in Law, to bar him the ſaid *John Grendon*, from having his Action aforeſaid againſt the ſaid *Thomas Albany*, To which the ſaid *John Grendon* needeth not, nor is bound any wayes by the Law of the Land to Anſwer, Wherefore for want of a ſufficient Rejoynder in this Plea, The ſaid *John Grendon* demandeth Judgement and his damages, by the occaſion aforeſaid to be adjudged unto him, *&c.* And the aforeſaid *Thomas Albany* ſaith, That the Plea of him the ſaid *Thomas*, in manner and form aforeſaid, above by Rejoynder pleaded, and the matter in the ſame contained, is good and ſufficient in Law, to bar the ſaid *John Grendon*, from having his Action aforeſaid againſt him the ſaid *Thomas Albany*, which Plea, and the matter in the ſame contained, the ſaid *Thomas* is ready to aver, and prove, as the Court, *&c.* And becauſe the ſaid *John Grendon*, to that Plea doth not anſwer, nor doth the ſame any wayes deny. The ſaid *Thomas Albany*, as at firſt prayeth Judgement, and that the ſaid *John Grendon* from having his Action aforeſaid againſt the ſaid *Thomas Albany*, be barred, *&c.* And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day is given to the parties aforeſaid, here before the Lady the Queen at *Weſtmin.* until *Thurſday* next after the Morrow of the Purification of the Bleſſed *Mary*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here is not yet, *&c.*

TRESPAS.

Hillary Term, Anno 31°. *ELIZABETH*, *Rot.* 65. in the *KINGS-BENCH*, C. 1. part, *Chudleighs* Caſe. *fol.* 113. *b.*

Memorandum, That at another time, That is to ſay, *Hillary Term* laſt paſt, before the Lady the Queen at *Weſtminſter*, came *William Dillon Eſquire*, by *Edward Hall* his Attorny, And brought here in the Court of the ſaid Lady the Queen, then there his Bill againſt *John Frayne*, in the Cuſtody of the Marſhal of a Plea of Treſpaſs, and are Pledges of Sute, *John Doo*, and *Richard Roo*, which Bill followeth in theſe words; *ſſ. William Dillon Eſquire*, complaineth of *John Frayne*, in the Cuſtody of the Marſhal of the Marſhalſey of the Lady the Queen, before the Queen her ſelf being, for that, That he, the 6th. day of *November*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 29th. with force and Arms, *&c.* The Cloſe of him the ſaid *William*, called *Sedan* Cloſe, at *Taweſtock*, in the County as aforeſaid, brake and entred, and his graſs there to the value of 5. pound, then and there growing, with his Cattel, that is to ſay, with Horſes, Oxen, Cows, Hoggs and Sheep, fed, trod and conſumed, continuing the Treſpaſs aforeſaid, as to the treading and conſuming the graſſe from the aforeſaid 6. day of *November*, the yeer 29th. aforeſaid, until the bringing of this Bill, that is to ſay, the 8th. day of *February*, in the yeer of the Reign of the Lady the Queen that now is the 30th. divers dayes continuing, and diverſe other harms to him did, againſt the Peace of the ſaid Lady the Queen that now is, to the damage of the ſaid *William* 40. Marks, And thereof he bringeth Sute, *&c.* And now at this day, that is to ſay, *Thurſday* next after 8. dayes of Saint *Hillary* this Term, (until which day the ſaid *John Frayne*, had licenſe to imparl to the ſaid Bill, and then to anſwer,) *&c.* before the Lady the Queen at *Weſtminſter*, cometh as well the ſaid *William Dillon*, by his Attorny aforeſaid, as the aforeſaid *John Frayne*, by *John Halſtaf* his Attorny, and the ſaid *John Frayne* defendeth the force and injury when, *&c.* And ſaith that he is not thereof guilty, and of this puts himſelf upon the Country, and the ſaid *William Dillon* likewiſe, *&c.* Therefore a Jury was to come before the Lady the Queen at *Weſtminſter* upon *Tueſday* next, after 8. dayes of the Purification of the bleſſed *Mary*, And who neither, *&c.* To Recognize, *&c.* Becauſe as well, *&c.* The ſame day is given to the parties aforeſaid here, *&c.* Afterwards the proceſſe thereof was continued between the parties aforeſaid, of the Plea aforeſaid by Jurors put thereof, between them in reſpite before the Lady the Queen at *Weſtminſter*, until *Thurſday* next after 8. dayes of Saint *Michael* then next following, unleſſe the Juſtices of the Lady the Queen to Aſſizes, in the County aforeſaid to be taken aſſigned, firſt upon

Devon.

upon *Monday* the 7th. day of *July*, at the Caſtle of *Exeter* in the County aforeſaid, by the form of the Statute, *&c.* came, for default of Jurors, *&c.* At which *Thurſday* next after 8. dayes of Saint *Michael*, before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid. And the aforeſaid Juſtices to Aſſizes, before whom *&c.* ſent their Record before them had in theſe words. *ff.* Afterwards the day and place within contained before *Edmond Anderſon Knight*, Chief Juſtices of the Lady the Queen of the Bench, and *Thomas Gent*, one of the Barons of the *Exchechequer* of the Lady the Queen, Juſtices of the ſaid Lady the Queen to Aſſizes, in the County of *Devonſhire*, aſſigned by the form of the Statute, *&c.* came as well the within named *William Dillon*, by *Morrice Evans* his Attorny, as the aforeſaid *John Frayne*, by *Thomas Felton* his Attorny; And the Jurors of the Jury, whereof within mention is made, being called, ſome of them, that is to ſay; *John Forſe*, of *Crediton* Gentleman, *John Saltern*, of *Huſlow*, *Nicholas Poynes*, of *Thornbury*, and *Robert Gunter*, of *Lapford*, come and were ſworn in the Jury aforeſaid; And becauſe the Reſidue of the Jurors of that Jury did not appear, Therefore others of the ſtanders by, by the Sheriff of the County aforeſaid, thereto choſen at the requeſt of the aforeſaid *William Dillon*, and by the command of the Juſtices aforeſaid were new put to, whoſe names to the Pannel within written are filed, according to the form of the Statute in that caſe late made and provided; And the Jurors ſo of new put to, that is to ſay, *Anthony Moring*, *Robert Luxton*, *Robert Letheren*, *Edward Webber*, *Thomas Parmiter*, *Ralph Mare*, *William Stowell*, and *Vincent Spark*, likewiſe being called come, who to ſay the truth within contained, with the other Jurors within firſt impannel'ed, and ſworn to ſay, choſen, tryed, and ſworn, ſay upon their Oath, That before the within written time in which it is ſuppoſed, the Treſpaſs within written was done, that is to ſay, the 26th. day of *April*, in the yeers of the Reigns of the Lord *Philip*, and the Lady *Mary*, late King and Queen of *England* the 3d. and the fourth, and before, One *Richard Chudleigh*, Knight, was ſeized of the Mannor of *Heſcot* with the Appurtenances in the County aforeſaid, whereof the Cloſe within written with the appurtenances in which it is ſuppoſed the Treſpaſs within written to be done is, and within the time in which, *&c.* as alſo time, whereof the memory of men is not to the contrary were parcel in his Demeſn as of Fee; and that the aforeſaid *Richard Chudleigh* before the aforeſaid 26. day of *April*, in the years of the Reigns of the aforeſaid late King and Queen, *Philip* and *Mary*, the third and fourth aboveſaid, had iſſue of his body lawfully begotten, *Chriſtopher Chudleigh* his eldeſt Son, *Thomas Chudleigh* his ſecond Son, *Oliver Chudleigh* his third Son, and *Nicholas Chudleigh* his fourth Son: And the ſaid *Richard* of the Mannor aforeſaid with the Appurtenances whereof, *&c.* in form aforeſaid ſeized, the ſaid *Richard Chudleigh* before the within written time in which, *&c.* that is to ſay, the aforeſaid 26th. day of *April*, in the years of the Reign of the aforeſaid late King and Queen *Philip* and *Mary* the third and fourth aboveſaid, by his Indenture Quadripartite ſealed with the Seal of the ſaid *Richard Chudleigh*, and to the Jurors ſhewed in evidence, whoſe date is the ſame day and year of the Mannor aforeſaid with the Appurtenances thereof (amongſt other things) enfeoffed, *John Sentleger*, Knight, *Giles Strangeways*, Knight, *John Wadham*, Eſquire, *John Gilbert* Eſquire, *Thomas Carew*, Eſquire, *Richard Bampfield*, Eſquire, *John Ridgeway*, Eſquire, *Robert Fulford*, Eſquire, *Thomas Williams*, *John Eveleigh*, Gent.

Gent. and *William Hole*, Gent. To have and to hold the aforesaid Mannor with the Appurtenances whereof, &c. amongst other things, to the same *John Saintleger*, *Giles Strangewayes*, *John Wadham*, *John Gilbert*, *Thomas Carew*, *Richard Bampfield*, *John Ridgeway*, *Robert Fulford*, *Thomas Williams*, *John Eveleigh* and *William Hole* their Heirs and Assigns for ever, only to such uses & intents, as in the said Indenture Quadripartite are declared and specified, That is to say, To the use and behoof of the said *Richard Chudleigh* and his heirs of the body of *Mary* then the wife of the aforesaid *Thomas Carew* lawfully to be begotten; and for default of such issue, to the use of the aforesaid *Richard Chudleigh*, and his heirs of the body of *Elizabeth*, then the wife of the said *Rich. Bampfield* lawfully to be begotten, and for default of such issue, to the use of the heirs of the said *Rich. Chudleigh*, on the body of *Elenor* then the wife of the said *Thomas Williams* lawfully to be begotten, and for default of such issue, to the use of the aforesaid *Richard Chudleigh*, and his heirs on the body of *Johan*, then the wife of the said *John Eveleigh* lawfully to be begotten, and for default of such issue, to the use of the aforesaid *Richard Chudleigh*, and his heirs on the body of *Johann*, then the wife of the aforesaid *Giles Strangewayes* lawfully to be begotten; and for default of such issue, to the use of the aforesaid *Richard Chudleigh*, and his heirs on the body of *Lawrencea* then the wife of the aforesaid *Robert Fulford*, lawfully to be begotten; and if it should happen the said *Richard Chudleigh* should die without issue on the bodies of the said *Mary*, *Elizabeth*, *Emleme*, *Johan*, *Johan*, and *Laurencea* lawfully begotten, then the aforesaid *John Sentleger*, and other his Feoffees, and their Heirs should be seized, of and in the Manor aforesaid, with the appurtenances, whereof, &c. amongst other things, for and during the term of 10. years after the death of him the said *Richard Chudleigh* then next following to the use and performance of the last Will of the aforesaid *Richard Chudleigh*; And after the aforesaid term of 10. years compleated and ended, then the aforesaid *John Sentleger*, *Giles Strangewayes*, *John Wadham*, *John Gilbert*, *Thomas Carew*, *Richard Bampfield*, *John Ridgway*, *Robert Fulford*, *Thomas Williams*, *John Eveleigh*, and *William Hole*, their Heirs and assigns should stand and be seized of and in the Manor aforesaid with the appurtenances whereof, &c. amongst other things, to the use and behoof of the aforesaid *John Sentleger*, *Giles Strangewayes*, *John Wadham*, *John Gilbert*, *Thomas Carew*, *Richard Bampfield*, *John Ridgeway*, *Robert Fulford*, *Thomas Williams*, *John Eveleigh*, and *William Hole* their Heirs and Assigns for ever, for and during the natural life of the aforesaid *Christopher Chudleigh* his eldest Son, and after the death of the said *Christopher* his Son, the aforesaid Feoffees, their Heirs and Assigns should stand and be seized of and in the Manor aforesaid with the appurtenances whereof, &c. amongst other things to the use and behoof of the first issue Male of the body of the aforesaid *Christopher* lawfully begotten, and the heirs of the body of such first issue, lawfully to be begotten; and for default of such issue, to the use of the second issue Male, by the said *Christopher* lawfully to be begotten; and the heirs of the body of such second issue Male, lawfully begotten; and for default of such issue, to the use of the third issue Male, by the aforesaid *Christopher* lawfully to be begotten, & the heirs of the body of such third issue Male lawfully to be begotten, & for default of such issue to the use of the fourth issue Male, and the heirs of the body of such fourth issue male, by the aforesaid *Christopher* lawfully to be begotten on the Heirs of the body of such fourth Issue Male lawfully to be begotten, and

for default of ſuch iſſue, to the uſe of the fifth iſſue Male by the aforeſaid *Chriſtopher* lawfully to be begotten, and the heirs of the body of the aforeſaid 5th. iſſue male lawfully to be begotten, and for default of ſuch Iſſue, to the uſe of the 6th. Iſſue male by the aforeſaid *Chriſtopher* Lawfully to be begotten, and the Heirs of the body of the aforeſaid 6th. Iſſue male Lawfully to be begotten. And for default of ſuch Iſſue, to the uſe of the 7th. Iſſue male by the aforeſaid *Chriſtopher Chudleigh* Lawfully to be begotten, and the Heirs of the Body of the aforeſaid 7th. Iſſue male Lawfully to be begotten, and for default of ſuch Iſſue, to the uſe of the 8th. Iſſue male by the aforeſaid *Chriſtopher Chudley*, Lawfully to be begotten, and the Heirs of the body of the aforeſaid 8th. Iſſue male Lawfully to be begotten, And for default of ſuch Iſſue, to the uſe of the 9th. Iſſue male, by the aforeſaid *Chriſtopher* Lawfully to be begotten, and the Heirs of the Body of the aforeſaid 9th. Iſſue male Lawfully to be begotten, and for default of ſuch Iſſue, to the uſe of the 10th. Iſſue male Lawfally to be begotten, and the Heirs of the body of the aforeſaid 10th. Iſſue male Lawfully to be begotten, And if it ſhould happen the aforeſaid *Chriſtopher* to dy without Iſſue male of his body Lawfully to be begotten, then the aforeſaid Feoffees and every of them their Heirs and Aſſigns ſhould ſtand and be ſeiſed of and in the Manor aforeſaid, with the Appurtenances whereof, *&c.* amongſt other things, to the uſe and behoof of the aforeſaid *Thomas Chudleigh* another Son of the aforeſaid *Richard Chudleigh*, and the Heirs of his body Lawfully to be begotten, and for default of ſuch Iſſue to the uſe and behoof of the aforeſaid *Oliver Chudleigh*, another Son of the aforeſaid *Richard Chudleigh*, and the Heirs of his body Lawfully to be begotten, and for default of ſuch Iſſue to the uſe and behoof of the right Heirs of the ſaid *Richard Chudleigh* Knight for ever, as by the ſaid Indenture *Quadrupartite* amongſt other things more fully it appeareth, By colour of which Feofment, and by force of a certain Act of Parliament of the Lord *Henry* late King of *England* the 8th. the 4th. day of *February* in the 27th. yeer of his Reign at *Weſtminſter* in the County of *Middleſex* of transferring uſes in poſſeſſion there holden, made and provided, the aforeſaid *Richard Chudleigh* was ſeiſed of the Manor aforeſaid with the Appurtenances whereof, amongſt other things as the Law requireth. And the aforeſaid *Richard Chudleigh* of the Manor aforeſaid, with the Appurtenances whereof, *&c.* ſo being ſeited, the ſame *Richard* before the within written time in which, *&c.* that is ſo ſay, the 17th. day of *November*, in the yeers of the Reigns of the aforeſaid late King and Queen *Philip* and *Mary*, the 5th. and 6th. dyed, and that neither at the time of the death of him the ſaid *Richard Chudleigh*, and before the day of the bringing of the Bill within written, there was any Heir of the aforeſaid *Richard Chudleigh* of the bodies of any the aforeſaid *Mary*, *Elizabeth*, *Emlem*, *Johan*, and *Lawrence*, Lawfally begotten: And that after the death of the aforeſaid *Richard Chudleigh*, and before the time in which the aforaſaid *John Sentleger*, *Giles Strangewaies*, *John Wadham*, *John Gilbert*, *Themas Carew*, *Richard Bampfield*, *John Bridgway*, *Robert Fulford*, *Thomas Williams*, *John Eveleigh*, and *William Hole*, into the Manors aforeſaid with the appurtenances whereof, *&c.* amongſt other things entred, and were thereof poſſeſſed or ſeiſed, as upon the whole matter aforeſaid, the Law requireth; and ſo thereof being poſſeſſed, or ſeiſed, *Chriſtopher Chudleigh*, after the death of the aforeſaid *Richard* before the within written time in which, *&c.* took to wife *Chriſtian Sracheley*; and that the aforeſaid *John Sentle-*

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ger, Giles Strangewaies, John Wadham, John Gilbert, Thomas Carew, Richard Bampfield, John Ridgeway, Robert Falford, Thomas Williams, John Foleigh, and William Hole, of the aforesaid Manor with the Appurtenances whereof &c. amongst other things in form aforesaid possessed or being seised, before the within written time in which, &c. that is to say, The 14th. day of *August*, in the yeer of the Reign of the Lady the Queen that now is the first, the said *Oliver Chudleigh*, then living & being in full life, by their writing sealed with their Seals, and to the Jurors aforesaid shewed in Evidence, whose date is the same day and yeer, freely and without any Consideration amongst other things, enfeoffed the aforesaid *Christopher Chudleigh*, then and before having notice of the making of the aforesaid Quadripartite Indenture and of the uses in the same conteined, To have, and to hold the Manor aforesaid with the Appurtenances, whereof, &c. amongst other things, To the said *Christopher*, his Heirs and Assigns for ever, to the only use & behoof of the said *Christopher*, his Heirs & Assigns for ever. By virtue of which Feoffment, The said *Christopher Chudleigh*, was seized of the Manor aforesaid with the Appurtenances, whereof, amongst other things, as the Law requireth. And so thereof being seized. The said *Christopher Chudleigh*, before the within written time in which, &c. that is to say, the 20th. day of *September*, in the yeer of the Reign of the Lady the Queen that now is the third, had issue of his Body lawfully begotten, one *Stretchley Chudley* his first Son; And that the said *Christopher Chudleigh*, afterwards and before the time in which, &c. that is to say, the 30th. day of *May*, in the yeer of the Reign of the Lady the Queen that now is, had another issue of his Body lawfully begotten, that is to say, one *John Chudleigh* his second Son; And the aforesaid *Christo. Chudleigh*, of the Manor aforesaid with the Appurtenances, whereof, &c. in form aforesaid being seized, The said *Christopher* afterwards, and before the within written time in which, &c. that is to say, the first day of *July*, in the yeer of the Reign of the Lady the Queen that now is the 6th. by his writing indented sealed with his seal, and to the Jurors aforesaid shewed in Evidence, whose date is the said first day of *July*, in the 6th. yeer abovesaid, And afterwards, that is to say, the 4th. day of *October*, in the yeer of the Reign of the said Lady the Queen that now is the 6th. abovesaid, before *Robert Dennis Knight*, one of the Justices of the said Lady the Queen, for the County aforesaid, and *George Southcole Esquire*, Clerk of the Peace of the said County to be kept assigned, as the deed of the said *Christopher* acknowleledged, and according to the form of the Statute in such such case made and provided inrolled, in consideration of 220. pound, to him by one *John Chichester Knight*, before then paid, bargained, and sold, to the said *John Chichester*, the Manor aforesaid with the Appurtenances, whereof, &c. To have, & to hold, to the said *John Chichester*, his Heirs and Assigns for ever, to the only use and behoof of the said *John Chichester* his Heirs and Assigns for ever. And that the aforesaid *Christopher Chudleigh* moreover, before the within written time in which, &c. that is to say, the 6th. day of *July*, in the yeer of the Reign of the said Lady the Queen that now is the 6th. abovesaid, by his deed sealed with his Seal, and to the Jurors aforesaid shewed in Evidence, whose date is the said 6th. day of *July* aforesaid, of the Manor aforesaid with the Appurtenances, whereof, &c. Enfeoffed the aforesaid *John Chichester*, To have, and to hold the said Manor with the Appurtenances, whereof, &c. To the said *John Chichester*, his Heirs and Assigns for ever, to the only use

and behoof of the ſaid *John Chicheſter*, his Heirs and Aſſigns for ever. And by the ſaid deed aforeſaid, The ſaid *Chriſtopher* granted for him and his Heirs, That he and his Heirs, the Manor aforeſaid with the Appurtenances, whereof, *&c.* to the aforeſaid *John Chriſtopher*, his Heirs and Aſſigns, to the only uſe and behoof of the ſaid *John Chriſtopher* his Heirs and Aſſigns, againſt all Men would warrant and defend by the ſaid deed, as by the ſaid deed more fully appeareth. By virtue of which Feoffment, and of which aforeſaid Bargain and Sale, the aforeſaid *John Chicheſter*, was ſeized of the Manor aforeſaid with the Appurtenances, whereof, *&c.* as the Law requireth; And ſo living thereof ſeized, The aforeſaid *Chriſtopher Chudleigh* aftewards, and before the within written time in which, *&c.* that is to ſay, the firſt day of *October*, in the yeer of the Reign of the Lady the Queen that now is the 12th. dyed, being the aforeſaid *Stretchly Chudleigh*, Eldeſt Son and Heir of the ſaid *Chriſtopher*, and *John Chudleigh* his ſecond Son. And afterwards, and before the time in which, *&c.* that is to ſay, the 7th. day of *November*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 13th. The ſaid *Stretchley Chudleigh*, dyed without iſſue of his Body begotten, the ſaid *John Chudleigh*, Brother and Heir of the ſaid *Strechley* then living, and in full life being, that is to ſay, at *Tawſtock* aforeſaid, in the County aforeſaid; And that the aforeſaid *John Chudleigh*, after the death of the aforeſaid *Stretchley* his Brother, was and yet is Heir of the aforeſaid *Chriſtopher Chudleigh* his Father. And the ſaid *John Chudleigh*, of the Manor aforeſaid with the Appurtenances, whereof, *&c.* in form aforeſaid being ſeized, The ſaid *John Chicheſter*, before the within written time in which, *&c.* that is to ſay, the 6th. day of *September*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 7th. of the Manor aforeſaid with the Appurtenances, whereof, *&c.* enfeoffed one *Philip Chicheſter Gentleman*, To have, and to hold the ſaid Manor with the Appurtenances, whereof, *&c.* to the ſaid *Philip Chicheſter*, his Heirs and Aſſigns for ever, to the only uſe of him the ſaid *Philip Chicheſter*, his Heirs and Aſſigns for ever. By virtue of which Feoffment, the ſaid *Philip Chicheſter*, was ſeized of the Manor aforeſaid with the Appurtenances, whereof, *&c.* as the Law requireth; And that the Cloſe aforeſaid with the Appurtenances, in which, *&c.* is, and the within written time in which, *&c.* as alſo from the whole time aforeſaid, was cuſtomary Land of the Manor aforeſaid, and demiſed, and demiſable by Copy of Court Roll, of the Manor aforeſaid, by the Lord or his Steward, of the Manor aforeſaid for the time being, to any perſon or perſons, who were willing to take the ſame for Term of Life or Lives, at the will of the Lord, according to the Cuſtom of the Manor aforeſaid; And the aforeſaid *PHILIP Chicheſter*, of the Manor aforeſaid with the Appurtenances, whereof, *&c.* as the Law requireth, *&c.* Being ſeized before the time within which, *&c.* That is to ſay, the 8th. day of *October*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 15th. At the Court of his Manor aforeſaid, then holden at the ſaid Manor of *Heſcot* aforeſaid, of his own delivery the Cloſe aforeſaid with the Appurtenances, amongſt other things to the aforeſaid *John Frayne*, granted for the Term of his Life, at the Will of the Lord, according to the Cuſtom of the Manor aforeſaid; By virtue of which grant, the ſaid *John Frayne*, before the time in which, *&c.* entred, and was thereof ſeized, as the Law requireth. *&c.* And ſo thereof being ſeized, the ſaid *John Chudley*, being Heir as before is ſaid, of the aforeſaid *Chriſtopher*

pher Chudleigh, before the within written time in which, *&c.* That is to ſay, the 11th. day of *March*, in the yeer of the Reign of the Lady the Queen that now is the 28th. in the Manor aforeſaid with the Appurtenances, whereof, *&c.* in and upon the poſſeſſion of the aforeſaid *Philip Chicheſter*, thereof, entred and was thereof poſſeſſed, as the Law requireth, *&c.* And ſo being poſſeſſed, before the within written time in which, *&c.* that is to ſay, the 11th. day of *March*, in the yeer of the Reign of the ſaid Lady the Queen that now is, Of the Manor aforeſaid with the appurtenances whereof enfeoffed the aforeſaid *William Dillon*, To have, and to hold that Manor with the Appurtenances whereof to the ſaid *William Dillon*, his Heirs and Aſſigns for ever. By virtue of which Feoffment, before the time in which, *&c.* The ſaid *William Dillon*, into the Cloſe aforeſaid with the Appurtenances, in which, *&c.* in and upon the poſſeſſion of the ſaid *John Frayne* thereof entred, and him the ſaid *John Frayne*, from his poſſeſſion thereof expelled and amoved, and was thereof ſeized as the Law requireth, until the aforeſaid *John Frayne*, the within written 16th. day of *November*, into the Cloſe within written with the Appurtenances, in which, *&c.* in and upon the poſſeſſion of the ſaid *William Dillon* thereof entred, and the Graſſe then and there growing, with the Cattel within written, fed, trod and conſumed, and continued the ſame from the aforeſaid 16th. day of *November*, in the 29th. yeer aforeſaid, until the within written 8th. day of *February*, the 30th. yeer within written; But whether upon the whole matter aforeſaid, in form aforeſaid found, the aforeſaid *John Frayne*, be guilty of the Treſpaſſe within written or not, the Jurors aforeſaid are ignorant; And thereupon pray the Adviſe and Diſcretion of the Court, *&c.* And if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the Juſtices here, That the aforeſaid Entry, of the aforeſaid *John Frayne*, into the Cloſe within written with the Appurtenances, in and upon the poſſeſſion of the aforeſaid *William Dillon*, thereof be not a good and lawful Entry in Law, Then the ſaid Jurors ſay, upon their Oath aforeſaid, That the ſaid *Frayne*, is guilty of the Treſpaſſe within written, as the aforeſaid *William Dillon* above againſt him complaineth. And then they aſſeſſe the Damages of the ſaid *William*, by occaſion of that Treſpaſſe, above his coſts and charges by him about his Sute in this part expended, to 4. pence, And for his coſts and charges to 20. ſhillings. And if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the Juſtices and Court here, That the aforeſaid Entry of the aforeſaid *John Frayne*, into the Cloſe within written with the Appurtenances, in which, *&c.* in and upon the poſſeſſion of the aforeſaid *William Dillon*, thereof be a good and lawful Entry in Law, Then the ſaid Jurors ſay upon their Oath aforeſaid, That the aforeſaid *John Frayne* is not guilty of the Treſpaſſe within written, as the aforeſaid *John Frayne* within hath alleged. And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day is given to the parties aforeſaid, in ſtate as now before the Lady the Queen at *Weſtminſter*, until *Fryday* next after 8. dayes of Saint *Hillary*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid by their Attornies aforeſaid; And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof is further given to the parties aforeſaid in ſtate as now,

before the Lady the Queen at *Weſtminſter*, until *Monday* next after one Moneth of *Eaſter*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof further is given to the parties aforeſaid here in ſtate, as now, before the Lady the Queen at *Weſtminſter*, until *Fryday* next after the Morrow of the *Holy Trinity*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here of their Judgement thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, day is given to the parties aforeſaid in ſtate as now, before the Lady the Queen at *Weſtminſter*, until *Monday* next after three Weeks of Saint *Michael*, to hear their judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day, before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes, is not yet aviſed, Day thereof is further given to the parties aforeſaid in ſtate as now before the Lady the Queen at *Weſtminſter*, until *Saturday* next after 8. dayes of Saint *Hillary*, to hear their Jndgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet. *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties by their Attornies aforeſaid; And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof is further given to the parties in ſtate as now before the Lady the Queen at *Weſtminſter*, until *Saturday* next after 15. dayes of *Eaſter*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid; And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day is given to the parties in ſtate, as now, before the Lady the Queen at *Weſtminſter*, until *Saturday* next after 8. dayes of the *Holy Trinity*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid; And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof further is given to the parties aforeſaid in ſtate as now before the Lady the Queen at *Weſtminſter*, until *Thurſday* in the Feaſt of St. *Martin*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, further day is given to the parties aforeſaid in ſtate, as now before the Lady the Queen at *Weſtminſter*, until *Tueſday* next after the Morrow of the Purification of the bleſſed *Mary*, to hear their Judgement of and upon the premiſes, becauſe the

the Court of the Lady the Queen here thereof not yet, &c. At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Further day is given to the parties aforeſaid in ſtate as now, before the Lady the Queen at *Weſtminſter*, until *Wedneſday* next after 15. dayes of *Eaſter*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof is further given to the parties aforeſaid in ſtate, as now, before the Lady the Queen at *Weſtminſter*, until *Fryday* next after the *Holy Trinity*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. At which day before the Lady the Q. at *Weſt.* come the parties aforeſaid by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen of giving their Judgement of & upon the premiſes is not yet aviſed, Day is given to the parties aforeſaid in ſtate, as now, before the Lady the Que. at *Weſtminſter*, until *Monday* next after 8. dayes of Saint *Michael*, to hear their Judgement thereof becauſe the Court of the Lady the Queen here thereof not yet, &c. Before which day, the Plea aforeſaid was adjorned, by the Writ of the ſaid Lady the Queen of Common Adjornment, before the Lady the Queen, until from the day of Saint *Michael*, in one Moneth then next following, whereſoever, &c. At which day the Plea aforeſaid was further adjorned by another Writ of the ſaid Lady the Queen of Common Adjornment, before the ſaid Lady the Queen, until the Morrow of *All Souls* then next following, At the Caſtle of *Hertford*, At which day, before the Lady the Queen at the Caſtle of *Hertford*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof is further given to the parties aforeſaid in ſtate as now, before the Lady the Queen, at the Caſtle of *Hertford*, until *Tueſday* next after 8. dayes of Saint *Hillary*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. Before which day, the Plea aforeſaid was adjorned, by the Writ of the Lady the Queen of Common Adjornment, before the Lady the Queen, in 8. dayes of Saint *Hillary* at *Weſtminſter*, At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of & upon the premiſes is not yet aviſed, further day is given to the parties in ſtate as now, before the Lady the Queen at *Weſtminſter*, until *Wedneſday* next, after 15. dayes of *Eaſter*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, further day is given to the parties aforeſaid in ſtate as now, before the Lady the Queen at *Weſtminſter*, until *Fryday* next after the Morrow of *Holy Trinity*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. At which day before the Lady the

Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, further day is given to the parties aforeſaid in ſtate as now, before the Lady the Queen at *VVeſtminſtrr*, until *Tueſday* next after 8. dayes of Saint *Michael*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* Before which day, The Plea aforeſaid was adjorned by the Writ of the Lady the Queen of Cõmon Adjornment, before the Lady the Queen, until the day from Saint *Michael*, in one Moneth then next following, At the Town of Saint *Alban*, in the County of *Hertford*, At which day the Plea aforeſaid by another Writ of the ſaid Lady the Queen of Common Adjornment, was adjorned before the ſaid Lady the Queen, until the Morrow of *All Souls* then next following, at the aforeſaid Town of St. *Alban*, At wch day before the Lady the Q. at the aforeſaid Town of St. *Alban*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here, of giving their Judgement of & upon the premiſes is not aviſed, further day is given to the parties aforeſaid in ſtate as now, before the Lady the Queen, at the aforeſaid Town of Saint *Alban*, until *Wedneſday* next after 8. dayes of Saint *Hillary*, to hear their Judgement of upon & the premiſes, becauſe the Court of the Lady the Queen here therof not yet, *&c.* Before which day, the Plea aforeſaid was adjorned, by another Writ of Common Adjornment, before the Lady the Queen, from the aforeſaid Town of Saint *Alban*, until the ſaid 8. dayes of Saint *Hillary*, at *Weſtminſter* aforeſaid, At which day before the Lady the Queen at *VVeſtmin.* come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, further day thereof is given to the parties aforeſaid in ſtate as now, before the Lady the Queen at *Weſtminſter*, until *VVedneſday* next after 15. dayes of *Eaſter*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *VVeſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day further is given to the parties aforeſaid in ſtate as now, before the Lady the Queen at *VVeſtminſter*, until *Fryday* next after the Morrow of *Holy Trinity*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtmin.* come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Que. here of giving their Judgement of and upon the premiſes is not yet aviſed, further day is given to the parties aforeſaid in ſtate as now, before the ſaid Lady the Queen at *VVeſtminſter*, until *Tueſday* next after 8. dayes of Saint *Michael*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, day thereof is further given to the parties aforeſaid before the Lady the Queen at *VVeſtminſter*, until *Thurſday* next after 8. dayes of Saint *Hillary*, to hear their Judgement thereof, *&c.* becauſe the Court of the Lady the Queen here thereof not yet, *&c.*

At

At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid by their Attorneys aforeſaid. Upon which, all & ſingular the premiſes being ſeen, & by the Court of the Lady the Queen here well underſtood, and diligently looked into, & mature deliberation being thereof had, becauſe it ſeemeth to the Court of the Lady the Queen that now is here, That the aforeſaid Entry of the aforeſaid *John Frayne* into the Cloſe within written, with the Appurtenances in which, *&c.* in and upon the poſſeſſion of the aforeſaid *William Dillon* thereof is a good and lawfull Entry: It is granted, That the aforeſaid *William Dillon* take nothing by his Bill aforeſaid, but for his falſe clamour be in mercy, *&c.* And the aforeſaid *John Frayne*, thereof go without day, *&c.*

TRESPAS.

Trinity Term, Anno 24. *ELIZABETH.* Rot. 928.
in the *COMMON-PLEAS*, Co. 2. part.
Thoroughgoods Caſe, *Fol.* 5. b.

William Cole late of Great *Paringdon* in the County aforeſaid, Gent. was attached to anſwer to *William Thoroughgood* of a Plea, wherefore with force and arms, the Cloſe and Houſe of him the ſaid *William Thoroughgood* at great *Paringdon* he brake, and his graſs there to the value of 20.l. growing, with certain cattel trod and conſumed, and other harms to him did to the grievous damage of him the ſaid *William Thoroughgood*, and againſt the Peace of the Lady the Queen that now is, *&c.* And whereupon, The ſaid *William Thoroughgood* by *William Aylesbury* Attorney, complaineth, That the aforeſaid *William Cole* the 12th. day of *October*, in the year of the Reign of the Lady the Queen that now is the 23. with force and arms, the Cloſe and Houſe of him the ſaid *William Thoroughgood* at great *Paringdon* aforeſaid brake, and his graſs to the value, *&c.* there late growing, with certain cattel, that is to ſay, Horſes, Cows, Hogs and Sheep, fed, trod and conſumed, the Treſpaſs aforeſaid as to the feeding, treading and conſuming of the graſs aforeſaid, from the aforeſaid 12th. day of *October* in the 23th. year aboveſaid, until the day of the bringing of this Writ Original of him the ſaid *William Thoroughgood*, that is to ſay, the 6th. day of *November* then next following, diverſe dayes and terms continuing, and other harms, *&c.* To the grievous damage, *&c.* and againſt the Peace, *&c.* and whereupon he ſaith, he is the worſe, and hath damage to the value of 40.l. and thereof he bringeth Sute, *&c.* And the aforeſaid *Willliam Cole* by *Thomas Reynolds* his Attorney cometh and defendeth the force and injury when, *&c.* And as to the coming with force and arms, he ſaith, That he is not guilty thereof; and of this puts himſelf upon the Country; and the aforeſaid *William Thoroughgood* likewiſe. And as to the reſt of the Treſpaſs aforeſaid, above ſuppoſed to be done, The ſaid *William Cole* ſaith, That the aforeſaid *William Thoroughgood*, ought not to have his Action againſt

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him, becauſe he ſaith, That the Cloſe and Houſe aforeſaid, as alſo the places in which it is ſuppoſed the Treſpaſs aforeſaid to be done, are, and at the time of the Treſpaſs aforeſaid, above ſuppoſed to be done, were one Meſſuage and two Acres of Meadow with the Appurtenances called *Nichols* Tenement in great *Paringdon* aforeſaid, which Tenements, with the apturtenances are, and the aforeſaid time of the Treſpaſs aforeſaid, above-ſuppoſed to be done, were the ſoyl and Freehold of him the ſaid *William Cole*; for which, the aforeſaid *William* the aforeſaid time in which, *&c.* the Cloſe and Houſe aforeſaid as his Cloſe, and ſoyl, and Freehold of him the ſaid *William* into the ſame Meſſuage, and two Acres of Meadow with the appurtenances brake and the graſs of him the ſaid *William Cole* there of his own there growing with his Cattel did feed, tread and conſume as it was lawfull for him to do; And this he is ready to aver, whereupon he demandeth Judgemẽt, whether that the aforeſaid *Wil. Thoroughgood* his action aforeſaid againſt him, ought to have, *&c.* And the aforeſaid *William Thoroughgood* ſaith, That he for any thing before alledged from having his Action aforeſaid ought not to be barred, becauſe he ſaith, That the Cloſe and houſe, and alſo the places in which the Treſpaſs aforeſaid, whereof he above maketh complaint, was, are, and at the time of the Treſpaſs aforeſaid done, were one Meſſuage called Burrowes, 8. Acres of Land, called the great Weſt field, four Acres of Land called *Diggins Holme*, and ſix Acres of Land called Grove field with the Appurtenances in great *Paringdon* aforeſaid, others then the aforeſaid Meſſuage, and two Acres of Meadow with the Appurtenances called *Nichols* Tenements in the Bar of the aforeſaid *William Cole* above ſpecified, and this he is ready to aver, wherefore in as much as the ſaid *William Cole* to the Treſpaſs aforeſaid in the Tenements aforeſaid, with the Appurtenances new aſſigned over, doth not Anſwer; the aforeſaid *William Thoroughgood* demandeth Judgement and his damages by occaſion of that Treſpaſs to be to him adjudged, &c. And the aforeſaid *William Cole*, as to any Treſpaſs in the aforeſaid Tenements now aſſigned, ſuppoſed to be done, he ſaith, That the aforeſaid *William Thoroughgood* his action againſt him ought not to have, becauſe he ſaith, That long before the aforeſaid time of the Treſpaſs aforeſaid above ſuppoſed to be done, That the aforeſaid *William Thoroughgood*, was ſeized of the ſaid Tenements with the Appurtenances new aſſigned in his Demeſn as of Fee; and ſo thereof being ſeized, before the aforeſaid time in which, *&c.* A Fine was Levied in the Court of the Lady the Queen, that now is here, that is to ſay, at *Weſtminſter* in 8. days of St. *Hillary* in the 10th. year of her Reign, before *James Dyer*, *Richard Weſton*, *John Welſh* and *Richard Harper*, then Juſtices, and afterwards from the day of *Eaſter* in 14. days then next following, granted, and recorded, before the ſame Juſtices, and other the Queens faithfull peuple then and there preſent, between *William Chicken* and *Elizabeth* his wife Plaintiffs, and the aforeſaid *William Thoroughgood* and *Agnes* his wife Deſendants, of the Tenements aforeſaid with the Appurtenances amongſt other things, by the names of one Meſſuage, one Garden, 45. Acres of Land, 5. Acres of Meadow, 10. Acres of Paſture, and four Acres of Wood with the Appurtenances in great *Paringdon* and *Avydon*, whereof a Plea of Covenant was ſued between them in the ſaid Court here, That is to ſay, that the aforeſaid *Will. Thoroughgood* & *Agnes* his wife acknowledged the Tenements aforeſaid to be the Right of the ſaid *William Chicken*, as thoſe which the ſaid *William* and *Elizabeth* had of the gift of the aforeſaid

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VWilliam Thoroughgood and *Agnes*, and them remiſed and quit claimed from them the ſaid *VWilliam* & *Agnes*, and their Heirs to the aforeſaid *VWilliam Chicken* and *Elizabeth*, & the Heirs of the ſaid *VWilliam* for ever, which Fine in form aforeſaid levied and had, was levied, to the uſe of the aforeſaid *William Chicken* and *Elizabeth*, and the Heirs of the ſaid *William* for ever. By vertue of which Fine the aforeſaid *William Chicken* and *Elizabeth* were ſeized of the Tenements aforeſaid, that is to ſay, The ſaid *William Chicken* in his Demeſn as of Fee, and the aforeſaid *Elizabeth* in her Demeſn as of Freehold for the term of her life. And the ſaid *William* and *Elizabeth* ſo thereof being ſeized, before the aforeſaid time in which, &c. Of the ſaid Tenements with the Appurtenances enfeoffed one *Edward Turner* Eſquire, To have to him and his Heirs for ever. By vertue of which Feoffment the aforeſaid *Edward* was of the Tenements aforeſaid with the Appurtenances ſeized in his Demeſn as of Fee, By which, the ſaid *William Cole* as ſervant to the ſaid *Edward*, and by his Commandment, the aforeſaid time in which, &c. the Cloſe and Houſe aforeſaid, as the Cloſe and Houſe, ſoyl and Freehold of the ſaid *Edward* his own, brake, and the graſs aforeſaid, as the proper graſs of him the ſaid *Edward* in the Tenements aforeſaid with the Appurtenances, new aſſigned then growing, with his Cattel aforeſaid, fed, trod, and conſumed, as it was lawfull for him to do: And this he is ready to aver; whereupon, he demandeth Judgement, if the aforeſaid *William Thoroughgood* his Action aforeſaid againſt him ought to have, &c. And the aforeſaid *William Thoroughgood*, as to the aforeſaid Plea of the aforeſaid *VWilliam Cole* to the Treſpaſs aforeſaid in the Tenements aforeſaid with the appurtenances of new Aſſignment done above in Bar thereof pleaded, ſaith, That he for any thing in the ſaid Plea before alledgeth from the having his action aforeſaid, ought not to be barred: Becauſe he ſaith, That the aforeſaid Fine was had and levied to the uſe and behoof of the aforeſaid *VWilliam Chicken* and *Elizabeth*, and the heirs of the ſaid *VWilliam*, upon the Condition that the aforeſaid *VWilliam Chicken* and *Elizabeth*, and the Heirs and Aſſigns of the ſaid *VWilliam Chicken*, well and truly ſhould deliver and pay to the ſaid *VWilliam Thoroughgood* and *Agnes* and their Executors and Aſſigns, 8 l. of good and lawfull money of *England*, and four Quarters of Malt at the Manſion houſe called Barrowes in *Paringdon* aforeſaid yearly during the natural lives of them the ſaid *VWilliam Thoroughgood* and *Agnes*, and the longer liver of them, at the Feaſt of St. *Michael* the Archangel, and the Feaſt of the Anunciation of the bleſſed *Mary* the Virgin by equal portions; and alſo upon condition, That the aforeſaid *VWilliam Chicken* and *Elizabeth*, and their Heirs or Aſſigns ſhould pay to the ſaid *VWilliam Thoroughgood* and *Agnes*, their Executors, Adminiſtrators, or aſſigns, 76. l. 13. s. and 4. d. of like lawfull money of *England*, at the aforeſaid Manſion houſe called Barrows, in form following, that is to ſay, at the Feaſt of St. *Michael* the Archangel in the year of our Lord God, 1568. three pound, ſix ſhillings eight pence; and ſo at the Feaſt of St. *Michael* the Archangels at the Manſion Houſe aforeſaid three pound ſix ſhillings eight pence yearly, untill the aforeſaid ſumm of ſeventy ſix pound 13. s. and 4. d. ſhould be fully ſatisfied and paid; and for the not payment doing and performing of the aforeſaid Conditions, according to the true intents and meanings of the ſame Condition, the aforeſaid Fine, and other the conveyance aforeſaid to be made, were to the uſe and behoof

of them the ſaid *William Thoroughgood* and *Agnes* as in their former eſtate, by colour of which Fine, the aforeſaid *VVilliam Chicken* and *Elizabeth* were ſeized of the Tenements aforeſaid with the Appurtenances of new aſſigned amongſt other things, that is to ſay, the aforeſaid *VVilliam* in his Demeſn as of Fee, and the aforeſaid *Elizabeth* in her Demeſn as of Freehold for term of her life, upon the Conditions aforeſaid; And further the ſaid *VVilliam Thoroughgood*, by Proteſtation, that the ſaid *William Chicken* and *Elizabeth* did not pay, do or perform any thing according to the form and effect of the Conditions aforeſaid, For Plea ſaith, That the aforeſaid *William Chicken* and *Elizabeth*, or either of them, did not pay, or either of them pay to the ſaid *William Thoroughgood* and *Agnes*, or either of them 3.l.6s. 8d. of good and lawful money of *England*, at the Feaſt of St. *Michael* the Archangel, on the year of the Reign of the ſaid Lady the Queen, that now is the 18th. which to them at the ſaid Feaſt of St. *Michael*, they ought to have paid according to the form and effect of the aforeſaid firſt Condition, By which, the aforeſaid *William Thoroughgood*, by vertue of the Fine aforeſaid, and by force of a certain Act in Parliament of the Lord *Henry* late King of *England*, the 8th. at *VVeſtminſter*, the fourth day of *February* in the year of his Reign the 27th. holden, made and provided of transferring uſes in poſſeſſion, was ſeized of the Tenements aforeſaid, with the Appurtenances of new aſſigned amongſt other things in his Demeſn as of Fee; and in the Tenements aforeſaid of new aſſigned, entred, and the aforeſaid *William Cole*, the day and year in the Declaration aforeſaid above ſpecified, with force and Arms, *&c.* the Cloſe and Houſe of him the ſaid *William Thoroughgood* in the aforeſaid Tenements of new aſſigned, broke, and the graſs aforeſaid there then growing with his cattel aforeſaid was fed, trod and conſumed, as he the ſaid *William* againſt him complaineth; and this he is ready to aver: Wherefore, in as much as the ſaid *William Cole*, doth acknowledge the Treſpaſs aforeſaid in the ſame Tenements of new aſſigned, done as aboveſaid, The ſaid *William Thoroughgood* demandeth Judgement & his damages, by the occaſion of that Treſpaſs to be to him adjudged, *&c.* And the aforeſaid *William Cole* by Proteſtation, That the Fine aforeſad was not levyed to the uſe of the ſaid *William Chicken* and *Elizabeth* upon the Conditions aforeſaid, as the aforeſaid *William Thoroughgood* above alledgeth, For Plea ſaith, That after the Fine aforeſaid Levied, that is to ſay, the ſecond day of *September* in the year of the Reign of the Lady the Queen that now is the 18th. at Great *Paringdon* aforeſaid, the aforeſaid *VVilliam Thoroughgood* by his Writing of the Leaſe, which the ſaid *VVilliam Cole* with the Seal of the ſaid *VVilliam Thoroughgood* Sealed here in Court brings, whoſe Date is the ſame day and year, by the name of *VVilliam Thoroughgood* of *Hanſdon* in the County of *Hertford*, Yeoman, Remiſed, Releaſed, and for him and his Heirs for ever, quit, claimed, to the aforeſaid *VVilliam Chicken* by the name of *William Chicken* of *Hanſdon* aforeſaid, Yeoman, All and all manner of Conditions, Entries, for Conditions broken, and demands whatſoever from the beginning of the World unto the day of the Date of the ſaid Writing of Releaſe; and this he is ready to aver, whereupon as at firſt he demandeth Judgement; and that the aforeſaid *William Thoroughgood* be barred from having his Action aforeſaid againſt him, *&c.* And the aforeſaid *William Thoroughgood* ſaith, That he is a Layman, and unlearned, and that at the

the time of the making of the Writing of Releaſe ſuppoſed to be done, divers arrerages of the aforeſaid yeerly payments, above recited in form aforeſaid, to be paid were behind, and that the aforeſaid Writing of Releaſe, was then read and declared to him, as a Writing of Acquittance of all arrerages of monies, to him in form aforeſaid to be paid, then to the ſaid *William Thoroughgood*, being behind and not paid only: By which the ſaid *William Thoroughgood*, believing that Writing to be a Writing of Acquittance, of the arrerages of the monies aforeſaid only, ſealed and delivered the ſaid Writing, to the aforeſaid *William Chicken*, and ſo the ſaid *William Thoroughgood* ſaith, That the ſaid Writing in Court here brought, containing in ſelf, him the ſaid *William Thoroughgood*, to have Remiſed, Releaſed, and for him and his Heis for ever quit claimed, to the aforeſaid *William Chicken*, all, and all manner of Conditions, Entries for Conditions broken, and Demands whatſoever, from the beginning of the world, until the day of the date of the ſaid Writing of Releaſe, is not his Deed; And he prayeth that this may be enquired of by the Country; And the aforeſaid *William Cole* likewiſe, Therefore it is commanded to the Sheriff, that he cauſe to come from the day of the *Holy Trinity*, in 3. Weeks 12. *&c.* By whom, *&c.* And who neither, *&c.* To Recognize, *&c.* Becauſe as well, *&c.* Afterwards the proceſſe was continued between the parties aforeſaid, of the Plea aforeſaid, by Jurors put between them in reſpite here, until this day, that is to ſay, the Morrow of Saint *Martin*, in the yeer of the Reign of the Lady the Queen that now is 25th. And now at this day, come as as well the aforeſaid *William Thoroughgood*, as the aforeſaid *William Cole*, by their Attornies aforeſaid, And the Jurors thereof impannelled likewiſe come, who to ſay the truth of the premiſes, choſen, tryed, and ſworn, ſay upon their Oath, That the aforeſaid *William Thoroughgood*, is a Lay-man, and unlearned, and that divers arrerages of the yeerly payments aforeſaid, to the aforeſaid *William Thoroughgood*, the aforeſaid time of making of the aforeſaid Writing of Releaſe were unpaid, And alſo that the ſaid Writing of Releaſe, at the time of the ſealing thereof, was not read to the aforeſaid *William Thoroughgood*, But after one *Thomas Ward*, had begun to read that Writing to the aforeſaid *William Thoroughgood*, One *John Ward* ſnatcht that Writing out of the hands of the aforeſaid *Thomas*, before he had read the firſt line thereof, ſaying to the aforeſaid *William Thoroughgood*, theſe words following; Good-man *Thoroughgood*, you are a man unlearned, and I will declare it unto you, and make you underſtand it better, than you can by hearing it read; And afterwards the aforeſaid *John Ward*, declared the aforeſaid Writing of Releaſe, to the aforeſaid *William Thoroughgood*, in theſe words following; Good-man *Thoroughgood*, the effect of it is this, That you do releaſe to *William Chicken*, all the arrerages of Rent that he doth ow you, and no otherwiſe, and then you ſhall have your Land again, meaning the Tenements aforeſaid of new aſſigned, To which the aforeſaid *William Thoroughgood*, then anſwered in theſe words following, that is to ſay, If it be no otherwiſe I am content, And upon that, The ſaid *William Thoroughgood*, giving credit to the words of the aforeſaid *John Ward*, then and there ſealed the ſaid Writing of Releaſe, and delivered it to the aforeſaid *William Chicken*. But whether upon the whole matter, in form aforeſaid found, The ſaid Writing of Releaſe be, and in Law ought to be adjudged the deed of the aforeſaid *William Thoroughgood* or not, the Jurors aforeſaid

are utterly ignorant; And thereof pray the Advise of the Justices and the Court here, And if upon the whole matter aforesaid, in form aforesaid found, It shall seem to the Justices here, that that Writing is not, nor ought in Law to be adjudged the deed of the aforesaid *William Thoroughgood*, Then the said Jurors say upon their Oath, That the aforesaid Writing of Release, is not the deed of the aforesaid *William Thoroughgood*, as the said *William* above allegeth, and they assesse Damages of the said *William Thoroughgood*, by occasion of the Trespasse aforesaid above his costs and charges by him in this part about his Sute expended to 20. shillings, and for his costs and charges to 12. pence, And if upon the whole matter aforesaid, in form aforesaid found, It shall seem to the Justices here, That the Writing aforesaid of Release, is the deed of the aforesaid *William Thoroughgood*, as the aforesaid *William Cole* above hath alleged, Then the said Jurors say upon their Oath, That the said Writing of Release, is the deed of the aforesaid *William Thoroughgood*, as the said *William Cole* above hath alleged. And because the Justices here will avise themselves of and upon the premises, before they give their Judgement thereof, Day is given to the parties aforesaid, here until in 8. dayes of Saint *Hillary*, to here their Judgement thereof, because the same Justices here thereof not yet, *&c.* At which day, here cometh as well the aforesaid *William Thoroughgood*, as the aforesaid *William Cole*, by their Attornies aforesaid, And because the Justices here will further avise themselves of and upon the premises, before they give their Judgement thereof, further day is given to the parties aforesaid, here from the day of *Easter* 15. dayes, to hear their Judgement thereof, because the same Justices here thereof not yet, *&c.* At which day here cometh as well the aforesaid *William Thoroughgood*, as the aforesaid *William Cole*, by their Attornies aforesaid, And because the Justices here will further avise themselves of and upon the premises, before they give their Judgement thereof, Day further is given to the parties aforesaid, here until the Morrow of the *Holy Trinity*, to hear their Judgement thereof, because the same Justices here thereof not yet, *&c.* At which day here cometh as well the aforesaid *William Thoroughgood*, as the aforesaid *William Cole*, by their Attornies aforesaid, And upon this, The premises being seen, and by the Justices here fully understood, It is granted, That the aforesaid *William Thoroughgood*, shall recover against the said *William Cole*, his damages to 21. shillings, by the Jurors aforesaid, in form aforesaid assessed, as also 23. pound, 19. shillings, to the said *William Thoroughgood*, at his Request for his costs and charges aforesaid, by the Court of Encrease adjudged, which damages in the whole do amount to 25. pound, and that the aforesaid *William Cole* be taken, *&c.*

TRESPAS.

Easter Term, Anno 31°. *ELIZABETH. Rot.* 115. in the *COMMON-PLEAS*, C. 2. part, *Baldwins* Caſe. *fol.* 18.

Criſtopher Marton, late of *Marton*, in the County aforeſaid *Eſquire*, was *York*, Attached to anſwer *Anthony Baldwin* of a Plea, wherefore with force and Arms, the Cloſe of him the ſaid *Anthony*, at *Marton* he brake, and his Corn there to the value of 10. pound, there late growing, with his Feet trod and conſumed, and other harms to him did, to the grievous damage of him the ſaid *Anthony*, and againſt the Peace of the Lady the Queen that now is, *&c.* And whereupon the ſaid *Anthony*, by *Robert Somervile* his Attorny, complaineth, That the aforeſaid *Chriſtopher*, the 10th. day of *September*, in the yeer of the Reign of the Lady the Queen that now is the 30th. with force and Arms the Cloſe of him the ſaid *Anthony*, at *Marton* broke, and his Corn, that is to ſay Oats, to the value, *&c.* then there late growing, with his Feet trod and conſumed, And other harms, *&c.* Whereupon he ſaith that he is the worſe, and hath damage to the value of 20. pound, and thereof he bringeth Sute, *&c.* And the aforeſaid *Chriſtopher*, by *William Barton* his Attorny, cometh and defendeth the force and injury when, *&c.* And as to the force and Arms he ſaith, that he is thereof not guilty; And as to the reſt of the Treſpaſs aforeſaid ſuppoſed to be done, The ſaid *Chriſtopher* ſaith, That the aforeſaid *Anthony*, his Action againſt him ought not to have, Becauſe he ſaith, That the Cloſe aforeſaid, as alſo the places in which it is ſuppoſed the Treſpaſs aforeſaid to be done, are, and the aforeſaid time in which it is ſuppoſed the Treſpaſs aforeſaid to be done, were 10. Acres of Land called *Bromfield*, with the appurtenances in *Marton* aforeſaid, which 10. acres of Land with the appurtenances, are the Soil and Freehold of the ſaid *Chriſtopher*, And that the ſaid *Chriſtopher*, the aforeſaid time in which, *&c.* the Cloſe aforeſaid, as his own Cloſe, Soil, and Freehold of him the ſaid *Chriſtopher*, in the ſaid 10. acres of Lands with the appurtenances brake, and the Corn there, as his own Corn there growing in the aforeſaid 10. acres with the Appurtenances, as in his own Soil and Freehold there trod and conſumed, as it was lawful for him to do, and this he is ready to aver, Whereupon he demandeth Judgement, if the aforeſaid *Anthony*, his Action aforeſaid againſt him ought to have, *&c.* And the aforeſaid *Anthony* ſaith, that he by any thing before alleged, ought not to be barred from having his Action aforeſaid, Becauſe he ſaith, That the Cloſe aforeſaid, as alſo the places in which the Treſpaſs aforeſaid above complaineed of was done, are, and the time aforeſaid of the Treſpaſs aforeſaid done, were, 4. acres of Land with the Appurtenances, called *Scarhill Set*, and *Waterſey Mire*, in *Marton* afore-

ſaid, others than the aforeſaid 10. acres of Lands, called *Bromfield*, with the Appurtenances, in the Bar of the ſaid *Chriſtopher* above ſpecified, And this he is ready to aver, Wherefore in as much as the aforeſaid *Chriſtopher*, to the Treſpaſs aforeſaid, in the aforeſaid 4. acres of Lands with the Appurtenances, above new aſſigned, done, doth not anſwer, The ſaid *Anthony* demandeth Judgement, and his damages, by occaſion of that Treſpaſs to be to him adjudged, *&c.* And the aforeſaid *Chriſtopher*, as to any Treſpaſs in the aforeſaid 4. acres of Land with the appurtenances new aſſigned, above ſuppoſed to be done, ſaith, that he thereof is not guilty, as the aforeſaid *Anthony* againſt him complaineth, And of this puts himſelf upon the Country, And the aforeſaid *Anthony* likewiſe, Therefore it is commanded to the Sheriff, That he cauſe to come here in the Morrow of the *Holy Trinity*, 12. *&c.* by whom, *&c.* And who neither, *&c.* To Recognize, *&c.* Becauſe as well, *&c.* At which day here come the parties, And the Sheriff ſent not the Writ, *&c.* Therfore as at firſt it is commanded to the Sheriff, That he cauſe to come here from the *Holy Trinity*, in 3. Weeks, 12. *&c.* To Recognize in form aforeſaid, *&c.* At which dey, the Jurors between the parties aforeſaid, of the aforeſaid Plea between them were put in reſpite here until this day, that is to ſay, in 8. dayes of Saint *Michael* then next following, unleſſe the Juſtices of the Lady the Queen to take Aſſizes, in the County aforeſaid aſſigned, by the form of the Statute, *&c.* Upon *Monday* the 14th. day of *July* laſt paſt, at the Caſtle of *York*, in the ſaid County ſhould firſt come, And now here, at this day, come as well the aforeſaid *Anthony*, as the aforeſaid *Chriſtopher*, by their Attornies aforeſaid, and the aforeſaid Juſtices to Aſſizes, before whom, *&c.* ſent here their Record in theſe words; Afterwards the day and place within written within contained, before *John Clench*, one of the Juſtices of the Lady the Queen to Pleas, before the Queen her ſelf to be holden aſſigned, And *Thomas Walmeſly*, one of the Juſtices of the ſaid Lady the Queen of the Bench, Juſtices of the ſaid Lady the Queen to Aſſizes, in the County of *York* to be taken aſſigned, by the form of the Statute, *&c.* came as well the within named *Anthony Baldwin*, as the aforeſaid within written *Chriſtopher Marton*, by their Attornies within mentioned, And the Jurors of the Jury, whereof within is made mention, ſome of them, that is to ſay, *William Wharton*, of *Dunkeſwick Gentlemau*, *Adam Wyre*, of *Ayrton Yeoman*, *John Brown*, of *Pathorn Yeoman*, *Ralph Walker*, of *Bolton Gentleman*, *Thomas Preſton*, of *Whengille Yeoman*, and *Henry Laycock*, of *Felliface Yeoman*, come, And the Jurors aforeſaid are ſworn; And becauſe that the reſt of the Jurors of that Jury did not appear, Therefore others of the Standers by, to this choſen by the Sheriff of the County aforeſaid, are at the requeſt of the ſaid *Anthony*, and by the Commandment of the Juſtices new added, whoſe names to the Pannel within written are filed, according to the form of the Statute in ſuch caſe made and provided, And the Jurors ſo a new added, now appearing, that is to ſay, *Gabriel Green*, *William Newby*, *John Haroton*, *John Brorcey*, *John Craven*, and *WILLIAM RICHARDSON*, come, who to ſay the truth of the within contained, together with theother Jurors aforeſaid firſt impannelled, and ſworn, to ſay, choſen, tryed, and ſworn, ſay upon their Oath, That before the within written time in which it is ſuppoſed the Treſpaſs within written to be done, The aforeſaid 4. acres of Land with the Appurtenances, in which, *&c.* were parcel of the poſſeſſions of the late Monaſtery, or Priory of *Bolton* in *Craven*; and that one

Richard

Richard late Prior of the Priory, or Monaſtery aforeſaid, was ſeized of one Tenement, Meſſuage or Farm, called *Ungthorpe* in the Pariſh of *Marton* in *Craven*, whereof the aforeſaid four Acres of Land with the Appurtenances within new aſſigned are, and the within written time, in which, &c. were parcel in his Demeſn as of Fee in the Right of his Monaſtery aforeſaid; and ſo thereof being ſeized, The ſaid late Prior, with the aſſent of the Covent of the ſame place, the 26. day of *December* in the year of the Reign of the Lord *Henry* late King of *England* the 8th. the 25th. By an Indenture ſealed with the Common Seal of the aforeſaid Prior and Covent, to the Jurors in evidence ſhewed, demiſed the aforeſaid Tenement, Meſſuage and Farm whereof the within written 40. Acres of Land with the appurtenances then were, and yet are parcel, to one *Hugh Baldwin*, and *Agnes* his Wife, To have and to hold, to the ſaid *Hugh Baldwin* and his Aſſigns from the date of the Indenture aforeſaid unto the end and term of 31. years fully to be ended, By vertue of which Demiſe, The ſaid *Hugh* and *Agnes* in the aforeſaid four Acres of Land with the appurtenances in which, &c. entred and were thereof poſſeſſed, the Reverſion thereof to the aforeſaid Prior and his Succeſſors: And the aforeſaid *Hugh* and *Agnes* of the aforeſaid four Acres of Lands, with the appurtenances in which, &c. for the Term aforeſaid being poſſeſſed, the Reverſion thereof to the aforelate Prior in form aforeſaid ezpectant; By a certain Act in Parliament of the ſaid late King *Henry* the 8th. at *Weſtminſter* in the County of *Middleſex*, the 28th. day of *April*, in the 31. year of his Reign begun, and continued until the 28th. day of *June* then next following, and there then holden amongſt other things it is Ordained and eſtabliſhed by the ſaid late King and the Lords Spiritual and Temporal, and the Commons in the ſaid Parliament aſſembled: That the ſaid late King ſhould have, hold, poſſeſs, and enjoy to Him, his Heirs, and Succeſſors, all and ſingular ſuch late Monaſteries, Abbies, Priories, Nunneries, Colledges, Houſes of Fryers, and other Eccleſiaſtical and Religious Houſes and places of what kinds, natures, qualities, or diverſities of Habits, Rules, Profeſſions, or Orders, they or any of them were named, known, or called, which after the fourth day of *February* in the year of the Reign of the aforeſaid late King the 27th. were diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up or by any other means came to his Highneſe, and by the ſame Authority and in like manner ſhould have, hold, poſſeſs and enjoy all Scites, Circuits, Precincts, Mannors, Lordſhips, Grainges, Meſſuages, Lands, Tenements, Meadows, Paſtures, Rents, Reverſions, Services, Woods, Tithes, Penſions, Portions, Rectories, Appropriated Vicaridges, Churches, Chapels, Advowſons, Nominations, Patronages, Annuities, Rights, Intereſts, Entries, Conditions, Commons, Leets, Courts, Liberties, Priviledges, Franchiſes, and other whatſoever Hereditaments which appertained, or belonged to the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Fryers, and other Religious and Eccleſiaſtical Houſes and Places, at the time of the aforeſaid diſſolution, ſuppreſſing, renouncing, forfeiting, giving up, or by any other manner of means came to the ſaid Kings Highneſſe, after the 4th. day of *February*, above menti oned. And further it is Enacted by the Authority aforeſaid, That not only all and ſingular the aforeſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Fryars, and other Religious and Eccleſiaſtical Houſes and Places, Scites, Circuits, Precincts, Manors, Lordſhips,

Lordſhips, Grainges, Meſſuages, Lands, Tenements, Meadows, Paſtures, Rents, Reverſions, Services, and all and ſingular other the premiſes, from thence immediatly, and preſently, but alſo all other Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Fryars, and all and ſingular other Eccleſiaſtical and Religious Houſes, which hereafter ſhould happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other means came to the Kings Highneſſe, And alſo all Scites, Circuits, Precincts, Manors, Grainges, Meſſuages, Lands, Tenements, Meadows, Paſtures, Rents, Reverſions, Services, Woods, Tithes, Penſions, Portions, Rectories approprate, Viccarages, Churches, Chapels, Advowſons, Nominations, Patronages, Hundreds, Rights, Intereſts, Entries, Conditions, Leets, Courts, Liberties, Privileges, Franchiſes, and other Hereditaments whatſoever, were belonging or appertaining to them or any of them, wherſoever, and as ſoon as they ſhould be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other means come to the Kings Highneſſe, ſhould be veſted and adjudged by Authority of the ſame Parliament, in the very actual, and real ſeiſin and poſſeſſion of the ſaid late King, his Heirs and Succeſſors for ever, in ſtate and condition as then they were, And as if all the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Fryars, and other Religious and Eccleſiaſtical Houſes ſo diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or came to the Kings Hihgneſſe as aforeſaid, as alſo the aforeſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Fryars, and other Religious and Eccleſiaſtical Houſes and Places, which then after ſhould happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, or given up to his ſaid Highneſſe, Scites, Circuits, Precincts, Manors, Lordſhips, Grainges, and other the premiſes whatſoever, in the ſaid Act of Parliament ſpecially, or particularly, recited or expreſſed, by expreſſe Names, Words, Faculties and in their Natures, Kinds, & Qualities, as in the ſaid Act amongſt other things more fully it appeareth. And the ſaid Jurors further ſay upon their Oath aforeſaid, That the aforeſaid Monaſtery, or Priory, of *Eolton* aforeſaid, after the aforeſaid 4th. day of *February*, in the 27th. yeer aforeſaid, that is to ſay, the 11th. day of *June*, in the yeer of the Reign of the ſaid late King the 31th. aforeſaid was diſſolved. By Colour of which Diſſolution, and by force of the Statute aforeſaid, The aforeſaid late King was ſeized of the aforeſaid Monaſtery, or Priory of *Bolton* aforeſaid, and of the Reverſion of the aforeſaid 4. acres of Land with the Appurtenances, amongſt other things in his Demeſn as of Fee, in the Right of his Crown of *England*; And that the aforeſaid Meſſuage and Tenement called *Vngthorp*, and the aforeſaid 4. acres of Lands with the Appurtenances, in which, *&c.* At the time of the Diſſolution aforeſaid, were parcel of the poſſeſſions of the aforeſaid Monaſtery, or Priory; And the ſaid late King, ſo thereof being ſeized, the 3d. day of *April*, in the 33th. yeer of his Reign, By his Letters Patents, ſealed with the Great Seal of *England*, to the Jurors aforeſaid ſhewed in Evidence, Gave and Granted unto *Henry*, late Erl of *Comberland*, all the aforeſaid Tenement, Meſſuage, and Farm with the Appurtenances, called *Vngthorp*, whereof the within written 4. acres with the Appurtenances adjoyning, were, and yet are parcel, To have, and to hold to the ſaid late Earl, his Heirs and Aſſigns for ever. By Colour of which Letters Patents, The ſaid late Earl was amongſt other things ſeized of the Reverſion of the aforeſaid

Tenements

Tenement, Meſſuage, and Farm with the Appurtenances, whereof the aforeſaid 4. acres of Lands with the Appurtenances, in which, *&c.* then were, and yet are parcel in his Demeſn as of Fee, And the aforeſaid *Hugh* and *Agnes*, for the aforeſaid Term of yeers, in form aforeſaid being poſſeſſed, the Reverſion thereof to the aforeſaid Earl, & his Heirs expectant, the aforeſaid *Hugh*, dyed of the aforeſaid 4. acres of Land with the Appurtenances, in which, *&c.* in form aforeſaid poſſeſſed, And the aforeſaid *Agnes*, overlived him the ſaid *Hugh*, and was of the aforeſaid 4. acres of Land with the Appurtenances, in which, *&c.* poſſeſſed by way of Survivor, *&c.* And the aforeſaid *Agnes*, ſo being thereof poſſeſſed, the Reverſion thereof to the late Earl, in form aforeſaid expectant, The ſaid late Earl, made, ſealed, and delivered a certain Indenture, as his deed, of the aforeſaid 4. acres of Land with the Appurtenances, in which, *&c.* amongſt other things, The Tenor of which followeth in theſe words. This Indenture, made the 10th. day of *September*, in the yeer of our Lord God 1545. and in the ſeven and thirtieth yeer of the Reign of our Sovereign Lord *Henry* by the Grace of God, King of *Eng. France* and *Ire.* defender of the faith, *&c.* & in the earth the ſupream Head of the Church of *Engl.* & *Ire.* Between the Right Noble Lord *Henry*, Earl of *Comberland*, Lord of the Honour of *Shipton*, Lord of *Weſtmerland*, and Veſtion of the one part, And *Agnes Baldwin*, of *Ungthorp* Widow, and *Anthony Baldwin* of the other part, Witneſſeth; That the ſame Earl for the ſum of 58. pound, 13. ſhillings, and 4. pence Sterling, at the day of the Date hereof, by the ſaid *Agnes* and *Anthony*, paid to the ſaid Earl, whereof the ſaid Earl acknowledgeth himſelf to be truly contented and paid, and the ſaid *Agnes* and *Anthony*, their Heirs and Executors, thereof, and of every part thereof to be diſcharged and acquitted for ever, Hath Covenanted, Granted, and to Farm Letten, and by theſe preſents covenanteth, granteth, demiſeth, and letteth to Farm to the ſaid *Agnes* and *Anthony*, and to the Heirs of the ſame *Anthony*, The ſaid Tenement, Meſe, or Farm, called *Ungthorp*, in the Pariſh of *Marton* in *Craven*, in the County of *York*, together with the Cloſures, Feedings, Paſtures, arable Lands, Meadows, Woods, Waters, Common of Paſture, in the Moors of Eaſt and Weſt *Marton*, Common of *Turbury*, with free paſſage to and fro the ſame Common of *Eaſton*, to a Ground or Meadow called *Tadholm*, lying in the demeſn Cloſes of *Marton Hall*, and all Houſes, Barns, Boons, and Buildings, to the ſame Tenement or Farm called *Ungthorp* belonging, or in any wiſe heretofore appertaining, now and of old time being of the only yeerly Rent of 53. ſhillings, and 4. pence; To have, and to hold the ſame Tenement or Farm called *Ungthorp*, with all & ſingular the premiſes with the Appurtenances, to the ſame *Agnes* and *Anthony*, and to the Heirs of the ſame *Anthony*, from the date hereof to the end and Term of 99. yeers, next and immediately following, and fully to be compleat and ended, and ſo from 99. yeers to 99. yeers, until ſuch time as 300. yeers be ſpent, fully finiſhed and expired, without impeachment of any manner of Waſte, in and as ample, free, and large manner as ever *Nicholas Simſon*, *Hugh Baldwin*, and the ſaid *Agnes Baldwin*, or any other Tenant or Farmer of the ſaid Tenant or Meaſe, of *Ungthorp*, with all and ſingular the premiſes with the Appurtenances, ever occupied, or might have occupied the ſame without interruption, let, diſturbance, denial, contradiction, or reſiſtance of the ſame Earl, or of his Heirs and Aſſigns, or of any other Officer, Farmer or Farmers, of the ſame Earls of the Manor or Capi-

tal Meſe called *Marton Hall*, for the time being, or of any other, at or by Will, Aſſent, Conſent, or furtherance of the ſame Earl, his Heirs and Aſſigns; And further, the ſaid *Agnes* and *Anthony*, Covenanteth and Granteth, by theſe preſents for them and the Heirs of the ſaid *Anthony*, to and with the ſame Earl, that they the ſame *Agnes* and *Anthony*, and the Heirs of the ſame *Anthony*, ſhall yeerly during the ſaid Term, at the Feaſt of Saint *Michael* the Archangel, and within 40. dayes after, for certain urgent conſiderations, content and pay, or cauſe to be contented and paid to the ſaid Earl, his Heirs and Aſſigns, as well a Penny ſeparately by it ſelf, as 5. ſhillings 4. pence Sterling, in a groſſe and intire ſum if it be aſked, for the which payment of the ſaid ſingle Penny, and of the ſaid 5. ſhil. 4. pence, The ſaid Earl covenanteth, & granteth for him, his Heirs & Aſſigns, to and with the ſaid *Agnes* and *Anthony*, to diſcharge & ſave harmleſs from time to time all the ſaid Land and Tenements. And the ſaid *Agnes* and *Anthony*, and the Heirs of the ſame *Anthony*, as well of and from the payment of the ſaid penny, as for the payment of the ſum of 4. ſhillings 4. pence, as of all other Sutes, Exactions, Boons, Greſſions, Fines, Cuſtoms, and all other Impoſitions or Demands whatſoever they be, concerning the ſame Meſſuage or Tenement, called *Ungthorp*, and all other the premiſes with the Appurtenauces, during the ſaid Term now granted, or any time hereafter by force of this Indenture to be granted, by the Earl and his Heirs, as well againſt our Sovereign Lord the King and his Heirs, as againſt all other perſon or perſons whatſoever they be; And further the ſaid Earl covenanteth, to and with the ſaid *Agnes* and *Anthony*, by theſe preſents, That the ſaid Earl, his Heirs and Aſſigns, ſhall at the end and Term of 300 yeers, make, or cauſe to be made, to the Heirs or Aſſigns of the ſaid *Anthony*, a like Demiſe and Leaſe of the ſaid Meſſuage or Tenement, and all other the premiſes with the Appurtenances, if it be aſked, for ſo many more yeers as is contained in this Leaſe, And the ſame Leaſe to be of like force, effect, and ſtrength in the Law, as this preſent is, without any Covin, Fraud, Colluſion, Denyer, or male Engine, but truly, and faithfully, according to the true puport and meaning of theſe preſents, In witneſſe whereof the parties aboveſaid to theſe Indentures, interchangeably have ſet their Seals the day and yeer aboveſaid. And the ſaid Jurors further ſay upon their Oath, That no licence or ſeiſin of the Tenements aforeſaid, or any part thereof was delivered to the aforeſaid *Agnes* & *Anthony*, or to any of them upon the Indenture aforeſaid; And that the aforeſaid *Agnes* and *Anthony*, had & held the Tenement, Meſe, and Farm aforeſaid with the Appurtenances, whereof the aforeſaid 4. acres with the Appurtenances, in which, *&c.* are, and then were parcel, as the Law in this caſe requireth; And the ſaid *Agnes* and *Anthony*, ſo having and holding the Tenement, Meſſuage, and Farm aforeſaid with the Appurtenances, whereof the 4. acres in which, *&c.* are, and then were parcel, the ſaid *Agnes*, the laſt day of *October*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 5th. at *Marton* aforeſaid, in the County aforeſaid dyed, And the aforeſaid *Anthony* her overlived, and continued the poſſeſſion of the Tenements, Meſſuage, and farm aforeſaid with the Appurtenances, whereof the aforeſaid 4. acres of Land with the Appurtenances, in which, *&c.* are parcel, and took the profits thereof, and had, occupied, and held the Tenement, Meſſuage, and Farm aforeſaid, whereof the aforeſaid 4. acres of Land with the Appurtenances, in which, *&c.* with the Appurtenances, are parcel of ſuch eſtate and inter-

eſt,

eſt, as the Law in this caſe requireth; And he having, occupying, and holding the Tenement, Meſſuage, and Farm aforeſaid, whereof the within written 4. acres of Land are parcel, The aforeſaid *Henry*, late Earl of *Cumberland* dyed, having iſſue *George*, now Earl of *Cumberland*, his Son and Heir, And the ſaid *George* Earl of *Cumberland*, entred into the Tenements aforeſaid, And afterwards, that is to ſay, the 17th. day of *April*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 24th. enfeoffed the aforeſaid *Chriſtopher Marton*, of the aforeſaid 4. acres of Land with the Appurtenances, To have to the ſaid *Chriſtopher* and his Heirs for ever. And that the aforeſaid *Anthony*, at the time of the making of the Feoffment aforeſaid, and after that Feoffment made hitherto continued poſſeſſion, as well of the aforeſaid 4. acres of Land with the Appurtenances, as of the Meſſuage and reſt of the Tenements, and Farm aforeſaid, But yet the Jurors further ſay, That before the Feoffment aforeſaid, the aforeſaid Rent to the aforeſaid *Henry*, late Earl of *Cumberland*, and his Heirs, by the Indenture aforeſaid granted, as well to the aforeſaid *Henry*, Earl of *Cumberland* in his life, and after the death of him the ſaid late Earl, to the aforeſaid *George*, now Earl of *Cumberland*, as to the aforeſaid *Chriſtopher Marton*, after the Feoffment aforeſaid, by the aforeſaid *Anthony* was paid. And the ſaid Jurors further ſay upon their Oath, That the ſaid *Chriſto.* the day and yeer in the Declaration above ſpecified, entred into the aforeſaid 4. acres of Land with the Appurtenances, in which, *&c.* upon the poſſeſſion of the aforeſaid *Anthony*, and the Oats within written, then there with his Feet trod and conſumed, as the aforeſaid *Anthony* within againſt him complaineth. But whether upon the whole matter aforeſaid, by the Jurors aforeſaid, in form aforeſaid found, The aforeſaid Entry of the aforeſaid *Chriſtopher*, in the aforeſaid 4. acres of Land with the Appurtenances, in which, *&c.* be a good and lawful Entry or not, the ſaid Jurors are utterly ignorant, And thereof pray the Adviſe and Judgement of the Juſtices of the Court here; And if upon the whole matter aforeſaid, by the Jurors aforeſaid, in form aforeſaid found, It ſhall ſeem to the Juſtices and Court here, That the aforeſaid Entry, of the aforeſaid *Chriſtopher*, be not a good and lawful Entry in Law, in the aforeſaid 4. acres of Land, upon the poſſeſſion of the ſaid *Anthony*, Then the ſaid Jurors ſay upon their Oath, That the aforeſaid *Chriſtopher* is guilty of the Treſpaſs, in the aforeſaid 4. acres of Land within new aſſigned, as the aforeſaid *Anthony* within againſt him complaineth. And then they aſſeſſe the damages of the ſaid *Anthony*, by occaſion of that Treſpaſs, above his coſts and charges by him about his Sute in this behalf expended, to 20. ſhillings, and for his coſts and charges to 40. ſhillings; And if upon the whole matter aforeſaid, It ſhall ſeem to the Juſtices and Court here, That the aforeſaid Entry, of the aforeſaid *Chriſtopher*, in the aforeſaid 4. acres of Land new aſſigned, upon the poſſeſſion of the ſaid *Anthony*, is a good and lawful Entry in Law, Then the ſaid Jurors ſay upon their Oath, That the aforeſaid *Chriſtopher* is not guilty of the Treſpaſs within written, in the within written 4. acres of Land within new aſſigned; And becauſe the Juſtices here will aviſe themſelves of and upon the premiſes, before that they give their Judgement thereof, Day is given to the parties aforeſaid, here until in 8. dayes of Saint *Hillary*, to hear their Judgement thereof, becauſe the ſaid Juſtices here thereof not yet, *&c.* At which day come as well the ſaid *Anthony*, as the aforeſaid *Chriſtopher* by their Attorney aforeſaid; and upon this, all and ſingular the

premiſes being ſeen, and by the Juſtices, *&c.* fully underſtood, It is granted that the aforeſaid *Anthony* recover againſt the aforeſaid *Chriſtopher* his damages to 3.l. by the Jurors aforeſaid in form aforeſaid Aſſeſſed; as alſo 11.l. 6.s. 8.d. to the ſaid *Anthony* at his requeſt, for his coſts and charges by the Court here of increaſe adjudged; which damages in the whole amount to fourteen pound, ſix ſhillings and eight pence; and that the aforeſaid *Chriſtopher* be taken, *&c.*

TRESPAS.

Michaelmaſs Term, Anno 36. and 37. *ELIZABETH.* Rot. 136. in the *KINGS-BENCH*, Co. 2. part. *Tookers* Caſe, *Fol.* 62.

Devon. MEmorandum, that at another time, that is to ſay, in the Term of *Eaſter* laſt paſt, before the Lady the Queen at *Weſtminſter* came *William Rud* by *Michael Bland* his Attorney, and brought here in the Court of the ſaid Lady the Queen that now is, then there, his Bill againſt *Edward Tooker* in the cuſtody of the Marſhall, *&c.* of a Plea of Treſpaſs; and are Pledges of Sute, that is to ſay, *John Doo*, and *Richard Roo*, which Bill followeth in theſe words. ſſ. *Devon.* ſſ. *William Rud* complaineth of *Edward Tooker*, in the cuſtody of the Marſhall of the *Marſhal-Sea* of the Lady the Queen before the Queen her ſelf; for that he the firſt day of *April*, in the year of the Reign of the Lady *Elizabeth* now Queen of *England*, the 36th. with force and Arms, *&c.* the Cloſe and houſe of him the ſaid *William* called *Bertonland*, otherwiſe, the *Barton* of *Sprecombe* at *Morthoe* in the County aforeſaid, broke and entred, and his graſs of the value of an hundred Marks, in the Cloſe aforeſaid, then late growing, with certain Cattel, that is to ſay, with Horſes, Oxen, Cows, Hogs and Sheep, fed, trod, and conſumed, and other harms to him did, againſt the Peace of the ſaid Lady the Queen, that now is, to the damage of the ſaid *William* an hundred pound, and thereof bringeth ſute, *&c.* And now at this day, that is to ſay, *Wedneſday* next after eight dayes of Saint *Michael* this Term, until which day the aforeſaid *Edward* had leave to impart to the ſaid Bill, and then to Anſwer, *&c.* before the Lady the Queen at *Weſtminſter*, cometh as well the aforeſaid *William* by his Attorney aforeſaid, as the aforeſaid *Edward* by *John Halſtaff* his Attorney: And the ſaid *Edward* defendeth the force and injury when, *&c.* and ſaith, that he is not thereof guilty, and of this puts himſelf upon the County, and the aforeſaid *William* likewiſe, *&c.* Therefore it is commanded the Sheriff, that a Jury come before the Lady the Queen at *Weſtminſter Friday* next after 15. days of St. *Hillary*, &c. and who neither, *&c.* to recognize, *&c.* Becauſe as well, *&c.* the ſame day is given to the parties aforeſaid there, *&c.* Afterwards the Proceſs is continued between the parties aforeſaid of the Plea aforeſaid by Jurors thereof betwixt

twixt them put in reſpite, of the Plea aforeſaid, before the Lady the Queen at *Weſtminſter*, until *Wedneſday* next after 15. dayes of *Eaſter* then next following, unleſs the juſtices of the Lady the Queen to Aſſizes, in the County aforeſaid to be taken aſſigned, firſt upon *Monday* the 10th. day of *March*, at the Caſtle of *Exeter*, in the County aforeſaid, by form of the Statute, *&c.* come for want of jurors, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And the aforeſaid juſtices to Aſſizes, before whom, *&c.* ſent their Record before them had in theſe words; *ff.* Afterwards the day and place within contained, before *Edmond Anderſon Knight*, Chief juſtice of the Lady the Queen of the Bench, and *Thomas Walmeſley*, one of the juſtices of the ſaid Lady the Queen of the Bench, juſtices of the ſaid Lady the Queen to Aſſizes, in the County of *Devon* to be taken aſſigned, by form of the Statute, *&c.* come as well the within named *William Rud*, by *Eraſmus Ford* his Attorny, as the within written *Edward Tooker*, by *Thomas Clayton* his Attorny. And the jurors of the jury, whereof within mention is made, being called, ſome of them, that is to ſay, *David Matacott* of Saint *Giles*, *John Hayman* of *Shelbere*, *John Hooper* of *Weſtdown*, *Richard Clyeff* of *Chanford*, *John Bow* of the ſame, and *John Hole* of *Drew Steinton* came, and are ſworn in the ſaid Jury; And becauſe the reſt of the Jurors of the ſaid Jury did not appear, Therefore others of the ſtanders by, by the Sheriff of the County aforeſaid, choſen at the requeſt of the ſaid *William Rud*, and by the Command of the juſtices afore. of new are added, whoſe names in the Pannel within written are filed, according to the form of the Statute in ſuch caſe late made and provided; And the Jurrors ſo new added, that is to ſay, *George Snell*, *John Barnacott*, *John Shate*, *George Slade*, *William Killard*, and *Chriſtopher Cheek*, being called likewiſe came, who to ſay the truth of the within contained, together with the other Jurors aforeſaid, firſt impanelled and ſworn, choſen, tryed, ſworn, ſay upon their Oath, That before the within written time in which it is ſuppoſed the Treſpaſs within written to be done, one *Joh. Arundell Eſq.* was ſeized of the Tenemēts within written with their Appurtenāces, in which it is ſuppoſed the Treſpaſs within written to be done, in his demeſn as of fee, & ſo therof being ſeized, Afterwards & before the within written time in which, *&c.* that is to ſay the third day of *July* in the year of the Reign of the Lord *Henry* late King of *England* the 8th. the 30th Demiſed to one *John Tooker*, and to the within named *Will. Rud*, the Tenement within written, with the Appurtenances in which, *&c.* amongſt other things, To have and to hold to the ſaid *John Tooker*, and *William Rud* for the term of their lives, and the life of the longeſt liver of them, the ſaid *John* and *William*, By vertue of which Demiſe, the ſaid *John Tooker* and *William Rud* were ſeized of the Tenements within written, with the Appurtenances in which, *&c.* in their Demeſn as of Freehold for the term of the lives of them the ſaid *John* and *William*, and the longeſt liver of them; and ſo being thereof ſeized, and the ſaid *John Arundel* of the Reverſion of the Tenements within written, with the Appurtenances in which, *&c.* being ſeized, the ſaid *John Arundel* afterwards and within the time in which, *&c.* At *Morthoe* within written of ſuch eſtate died ſeized; after whoſe death, the Reverſion of the Tenements aforeſaid with the Appurtenances in which, *&c.* amongſt other things deſcended to one *John Arundel*, Knight, as Son and Heir of the aforeſaid *John Arundel*; By which, the ſaid *John Arundel*, Knight, was ſeized of the

aforeſaid Reverſion of the Tenements within written with the Appurtenances in which, &c. in his Demeſn as of Fee, and ſo thereof being ſeized, afterwards, and before the within written time in which &c. that is to ſay, the 20th. day of *September* in the year of the Reign of the ſaid Lady the Queen that now is the 10th. At *Morthoe* within written, by his writing Indented, one part of which ſealed with the Seal of the ſaid *John Arundel*, Knight, was ſhewed to the ſaid Jurors in evidence, whoſe date is the ſame day and year granted the Reverſion of the Tenements within written with the Appurtenances in which, &c. amongſt other things to the ſame *Edward Tooker* for the term of his life, when after death, ſurrender or forfeiture of the aforeſaid *John Tooker*, and *William Rud* it ſhould happen, as by the ſaid Writing Indented amongſt other things more fully appeareth, To which grant of the Reverſion of the Tenements within written with the Appurtenances in which, &c. amongſt other things to the ſame *Edward* by the aforeſaid *John Arundel*, Knight, in form aforeſaid made, the aforeſaid *John Tooker* being Tenant of the Tenements aforeſaid within written with the Appurtenances in which, &c. for the term of his life joyntly with the aforeſaid *William Rud*, afterwards and before the within written time, in which, &c. At *Morthoe* within written to the aforeſaid *Edward* thereof Attorned and agreed, By colour of which Grant of the Reverſion aforeſaid, and of the Attornment and Agreement aforeſaid, the aforeſaid *Edward* was ſeized of the Reverſion of the Tenements within written, with the Appurtenances in which, &c. as the Law requireth, as of Freehold for the term of his life, and ſo thereof being ſeized, and the aforeſaid *John Tooker* and *William Rud* of the Tenements within written with the Appurtenances in which, &c. amongſt other things being ſeized, The ſaid *John Tooker* afterwards, and before the within written time in which, &c. that is to ſay, the 14th. day of *December* in the year of the Reign of the ſaid Lady the Queen that now is the 31th. at *Morthoe* aforeſaid, made to the ſaid *Edward Tooker* a certain Writing of Surrender of the Tenements within written with the Appurtenances in which, &c. amongſt other things, which to the Jurors aforeſaid was ſhewed, the Tenor of which followeth in theſe words. To all Chriſtian people to whom this preſent writing ſhall come: I *John Tooker* of *Morthoe* in the County of *Devon*, Yeoman, ſendeth greeting in our Lord God everlaſting. Whereas, I the ſaid *John Tooker*, and *William Rud* do hold joyntly for term of their lives, and the life of the longeſt liver of them, All the Capital Meſſuage and Lands, Tenements, and Hereditaments called *Barton* Lands in the Mannor of *Sprecombe*, or parcel of the ſaid Mannor, and all thoſe Lands, Tenements, and Hereditaments with the Appurtenances in *Hokeſmil*, with the Paſture of *Hokeſwood*, and Common of Paſture upon *Hokeſdown*, parcel of the ſaid Mannor, of the Demiſe and Grant of *John Arundel*, Eſquire, as by the Deed of Demiſe and Grant thereof made by the ſaid *John Arundel* at large and plainly it doth and may appear: Now know ye, that the ſaid *John Tooker*, for divers and ſundry cauſes and conſiderations him moving, doth by theſe preſents ſurrender and yield up unto *Edward Tooker* the ſon of the ſaid *John Tooker* to whom the Reverſion of all and ſingular the premiſes is granted, and doth belong, for the term of the life of the ſaid *Edward*, All his Eſtate, Title, and Intereſt, in and to the premiſes, and in and to every part and parcel thereof, in as large and ample manner, as he the ſaid *John Tooker* can or may ſurrender the ſame. In Witneſs whereof the ſaid *John Tooker*, to theſe preſents

preſents hath ſet his Seal, Given the 14th. day of *December*, in the 31th. yeer of the Reign of our Soveraign Lady *Elizabeth* by the Grace of God of *England*, *France* and *Ireland*, defender of the Faith, &c. And further the ſaid Jurors ſay upon their Oath aforeſaid, That the aforeſaid *John Tooker* afterwards, and before the within written time in which, &c. At *Morthoe* aforeſaid dyed, And that the ſaid *Edward*, afterwards, that is to ſay, the within written firſt day of *April*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 36th. aforeſaid, claiming to have and occupy the Tenements within written with the Appurtenances, in which, in Common, with the ſaid *William Rud*, by virtue of the aforeſaid Writing of Surrender, by the aforeſaid *John Tooker*, in form aforeſaid made, into the Tenements aforeſaid with the Appurtenances, in which, &c. entred, and the Graſs within written to the value, &c. in the Cloſe aforeſaid then growing, with the Cattel within written fed, trod, and conſumed, as the aforeſaid *William Rud* againſt him complaineth. But whether upon the whole matter aforeſaid, in form aforeſaid found, The aforeſaid Entry of the ſaid *Edward*, into the Tenements aforeſaid with the Appurtenances, in which, &c. be a good and lawful Entry in Law or not, the Jurors aforeſaid are utterly ignorant; And thereof pray the Adviſe and Conſideration of the Court, &c. And if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the Juſtices and Court here, That the aforeſaid Entry of the aforeſaid *Edward*, in the Tenements aforeſaid with the Appurtenances, in which, &c. in and upon the poſſeſſion of the ſaid *William Rud*, be not a good and lawful Entry in Law, Then the ſaid Jurors ſay upon their Oath, That the aforeſaid *Edward Tooker* is guilty of the Treſpaſs within written, as the ſaid *W. Rud* above againſt him complaineth. And aſſeſs the damages of the ſaid *William Rud*, by that occaſion above his coſts and charges by him about his Sute in that behalf expended, to 6. pence, and for his coſts and charges to 20. ſhillings. And if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the Juſtices and Court here, That the aforeſaid Entry of the aforeſaid *Edward*, in the Tenements within wrtten with the Appurtenances, in which, &c. in and upon the poſſeſſion of the aforeſaid *William*, be a good and lawful Entry in Law, Then the ſaid Jurors ſay upon their Oath aforeſaid, That the aforeſaid *Edward* is not guilty of the Treſpaſs within written, as the ſaid *Edward* above againſt him allegeth; And becauſe the Court of the ſaid Lady the Q. here of giving their Judgement of and upon the premiſes is not yet aviſed, day is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter*, until *Fryday* next after the Morrow of *Holy Trinity*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Thurſday* next after the Morrow of Saint *Michael*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day is given to the parties aforeſaid,

ſaid before the Lady the Qneeen at *Weſtminſter*, until *Fryday* next after 8. dayes of Saint *Hillary*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day further is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter*, until *Fryday* next after 18. dayes of *Eaſter*, to hear their Judgement of and upon the premiſes, becauſe the ſaid Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, further day is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter*, until *Fryday* next after the Morrow of *Holy Trinity*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day, at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof further is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter*, until *Saturday* next after 8. dayes of Saint *Michael*, to hear their Judgement o and upon the premiſes, becauſe the Court of the Lady the Queen here thereof yet, *&c.* At which day before the Lady the Queen at *VVeſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, day thereof further is given to the parties aforeſaid, before the Lady the Queen at *VVeſtminſter* aforeſaid, until *Monday* next after 8. dayes of Saint *Hillary*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, At which day before the Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof is further given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Wedneſday* next after 18. days of *Eaſter*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day further thereof is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Fryday* next after the Morrow of the *Holy Trinity*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *VVeſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof further is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Monday* next after 8. dayes of Saint *Michael*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof

thereof not yet, &c. At which day before the Lady the Queen at *Weſtminminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof further is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Monday* next after 8. dayes of Saint *Hillary*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. At which day before the Lady the Queen at *Weſtminſter*, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof further is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Wedneſday* next after 18. dayes of *Eaſter*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. At which day before the Lady the Queen at *Weſtmin.* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the ſaid Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof further is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Fryday* next after the Morrow of the *Holy Trinity*, to hear their Judgement thereof, becauſe the Court of the Lady the Queen here therof not yet, &c. At which day before the Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof further is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Monday* next after 8. dayes of Saint *Michael*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. At which day, before the Lady the Queen at *Weſt.* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof further is given to the parties aforeſaid, before the Lady the Queen at *Weſtmin.* aforeſaid, until *Tueſday* next after 8. dayes of Saint *Hillary*, to hear their Judgement thereof, becauſe the Court of the Lady the Queen here thereof not yet, &c. At which day before the Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof is further given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Wedneſday* next 18. dayes of *Eaſter*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, &c. At which day before the Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof further is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until the Morrow of *Holy Trinity*, to hear their Judgement thereof, becauſe the Court of the Lady the Queen here thereof not yet, &c. At which day before the Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen here of giving

their Judgement of and upon the premiſes is not yet aviſed, Day thereof further is given to the partes aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Tueſday* next after 8. dayes of Saint *Michael*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of & upon the premiſes is not yet aviſed, day thereof further is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Wedneſday* next after 8. dayes of Saint *Hillary*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the ſaid Lady the Queen of giving their Judgement of and upon the premiſes is not yet aviſed, day thereof further is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Wedneſday* next after 18. dayes of *Eaſter*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof further is given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *Fryday* next after the Morrow of the *Holy Trinity*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen here of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof is further given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter*, until *Thurſday* next after 8. dayes of Saint *Michael*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day before the Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lady the Queen of giving their Judgement of and upon the premiſes is not yet aviſed, Day thereof is further given to the parties aforeſaid, before the Lady the Queen at *Weſtminſter* aforeſaid, until *VVedneſday* next after 8. dayes of Saint *Hillary*, to hear their Judgement of and upon the premiſes, becauſe the Court of the Lady the Queen here thereof not yet, *&c.* At which day, before the Lady the Queen at *Weſtminſter* aforeſaid, come the parties aforeſaid, by their Attornies aforeſaid; Upon which, all and ſingular the premiſes being ſeen, and by the Court of the Lady the Queen here fully underſtood, and mature deliberation being had thereof, Becauſe it ſeemeth to the ſaid Court of the ſaid Lady the Queen, and the Juſtices here, That the aforeſaid Entry of the aforeſaid *Edward*, into the Tenements aforeſaid with the Appurtenances, in which, *&c.* in and upon the poſſeſſion of the ſaid *William* thereof, is a good and lawful Entry in Law; Therefore it is granted, That the ſaid *VVilliam* take nothing by his Bill aforeſaid, but for his falſe clamour he be in Mercy, *&c.* And the aforeſaid *Edward* go thereof without day, *&c.*

TRESPAS.

TRESPAS.

Trinity Term, Anno 7°. of King *JAMES*, *Rot.* 2612. in the *COMMON-PLEAS*, C.9. part, The [Earl of *Shrewesburies* Caſe, *fol.* 42.

Robert Spencer, late of *Maunsfield* in the County aforeſaid *Eſquire*, and *Thomas Woodward*, late of *Maunsfield* in the County aforeſaid *Gentleman*, were attached to Anſwer to *Roger* Earl of *Rutland*, of a Plea, Wherefore, Whereas, The Lady *Elizabeth*, late Queen of *England*, the 14th. day of *July*, in the 42th. yeer of her Reign at *Weſtminſter* in the County of *Middleſex*, By her Letters Patents, ſealed with the Great Seal of *England*, had given and granted to the ſaid Earl, from the time of the full age of the ſaid Earl of 21. years, To the Term, and for and during the Term of his natural life, The Office of Steward of the Lordſhips or Manors of her the late Queen of *Maunsfield*, in the County aforeſaid, and *Bolſover*, and *Horſeley*, in the County of *Derby*, with the Wages, Fees, to the ſaid Office anciently due and accuſtomed, To have, and yeerly to receive the ſaid Wages, during the Term aforeſaid, of the Iſſues, Profits, Farms, and Revenews of the aforeſaid Lordſhips or Manors, by the Hands of the Farmers, Receivers, or any other Occupiers thereof for the time being, at the Feaſts of St. *Michael* the Archangel and *Eaſter*, by equal portions, Together with all other Profits, Rights, Commodities, Jurisdictions, Privileges, Preheminences, and Emoluments to the ſaid Offices ariſing, or in any wayes belonging; And whereas, the ſaid Earl before the making of the ſaid Letters Patents, that is to ſay, the 19th. day of *November*, in the yeer of the Reign of the aforeſaid late Queen the 40th. had attained unto his full age of 21 years, and by virtue of the Letters Patents aforeſaid, was ſeized of the aforeſaid Office of Steward, of the aforeſaid Manor of *Maunsfield* as of Freehold, for the Term of his life; And the ſame Offine from the aforeſaid 14th. day of *June*, in the yeer of the ſaid Lady the Queen the 42th. aforeſaid, for one whole year then next after, well and faithfully had executed, and the Wages, Fees, and Profits to the aforeſaid Office of Steward of the aforeſaid Manor of *Maunsfield*, of old due and accuſtomed, by that time had had and received, The aforeſaid *Robert* and *Thomas*, intending manifoldly to moleſt him the ſaid Earl, and him the ſaid Earl to diſturb from the Execution of the aforeſaid Office of Steward, of the aforeſaid Manor of *Maunsfield*, and him the ſaid Earl of the Wages, Fees, and Profits, which by reaſon of the execution of the ſaid Office, which he could and might of Right to have and receive, wholy to fruſtrate and hinder, of his own wrong, without any Right or lawful authority, without the leave of the ſaid Earl, the 16th. day of *February*, in the year of the Reign of the ſaid late Queen the 44th. at *Maunsfield* aforeſaid, The aforeſaid Office of Steward of the aforeſaid Manor, *Brownl.*

Manor of *Maunsfield* aforeſaid exerciſed, and from thence hitherto do exerciſe and occupie, and all and ſingular the Wages, Fees, Commodities, and Profits to the ſaid Office due and by reaſon of the exerciſing of the Office aforeſaid, within the Manor aforeſaid, of right belonging, to their own proper uſe, had and received, and the ſaid Earl to exerciſe the ſaid Office within the aforeſaid Manor aforeſaid, and the Wages, Fees, Commodities and Profits, to the ſaid Office of right to have and receive, with force and Arms, then and there hindered, and yet do hinder, and other harms to him did, to the great damage of him the ſaid Earl, and againſt the peace of the ſaid Lord the King that now is, *&c.* And whereupon the ſaid Earl by *John Muſcott* his Attorny complaineth, for that, whereas the aforeſaid late Queen, the 14th. day of *June*, in the year of the Reign the 42th. aboveſaid, at *Weſtminſter* aforeſaid, by her aforeſaid Letters Patents, which the ſaid Earl under the great Seal of *England* Sealed, here in Court bringeth, whoſe date is the ſame day and year, had given and granted unto the ſaid Earl, from the time of the full age of the ſaid Earl of 21 years, to the term, and for and during the whole term of the natural life of him the ſaid Earl, the aforeſaid Offices of Steward of the aforeſaid Lorſhips, or Manors of the aforeſaid late Queen of *Maunſfield*, *Kolſover*, and *Horſley*, with the Wages, and Fees to the ſaid Offices of old due, and accuſtomed, to have and receive yearly the ſaid Wages during the term aforeſaid, of the Iſſues, Profits, Farms and Revenues, of the ſaid Lordſhips, or Manors, by the hand of the Farmers, Receivers,, or other Occupiers of the ſame for the time being, at the aforeſaid Feaſt of Saint *Michael* the Arch-Angel and *Eaſter*, by equal portions, together with all other Profits, Rights, Commodities, Juriſdictions, Privileges, Appurtenances, & Emoluments, to the ſaid Offices belonging, or any waies appertaining; and whereas the ſaid Earl before the making of the aforeſaid Letters Patents, that is to ſay, the 19th. day of *November*, in the year of the Reign of the aforeſaid late Queen the 40th. aforeſaid, had attained unto his full age of 21. years, and by virtue of the Letters Patents aforeſaid, was ſeiſed of the aforeſaid Office of Steward, of the aforeſaid Manor of *Maunſfield* as of his free-hold for the term of his life, and that Office from the aforeſaid 14th. day of *June*, in the year of the Reign of the aforeſaid late Queen the 42th. aboveſaid, for one whole year then next following, well, and truly had exerciſed, and the Wages, Fees, and Profits, to the aforeſaid Office of Steward, of the aforeſaid Manor of *Maunſfield*, from of old due, and accuſtomed, for that time had had, and received, the aforeſaid *Robert*, *and Thomas*, endevoring him the ſaid Earl from the exerciſing of the ſaid Office of Steward of the aforeſaid Manor of *Maunſfield* greatly to diſturb, & the ſaid Earl of the Wages, Fees, & Profits, that is to ſay, of 100. *s.* yearly to be paid, for the exerciſing of the aforeſ. office of Steward, & of the the ancient Fees due for the entring of playnts and pleas, for Coppies of Court Rolls, for Replevins, for proving of Wills, for granting of adminiſtrations of all perſons whatſoever, dying within the aforeſaid Manor of *Maunſfield*, for the entring of ſurrendors, and admiſſion of all Tenants whatſoever, of the aforeſaid Manor of *Maunſfield*, for the Entry of of the Fealty of all Tenants of the ſaid Manor of *Maunſfield*, which of right he ought or might have, and receive, utterly to fruſtrate and hinder, of his own wrong. without any right or Lawfull authority, without the leave of him the ſaid Earl, the aforeſaid 16. day of *February*, in the yeer of the

Reign

Reign of the ſaid late Queen the 42th. aboveſaid, at *Maunsfield* aforeſaid, the aforeſaid Office of Steward, of the ſaid Manor of *Maunsfield* exerciſed, and from thence hitherto do exerciſe, and enjoy, and all and ſingular Wages, Fees, Commodities, Profits, to the ſaid Office due, and by reaſon of the exerciſing of the ſaid office, within the Manor of *Maunsfield* aforeſaid of right belonging, to their own uſe had and took, and the ſaid Earl to exerciſe the ſaid Office within the aforeſaid Manor of *Maunsfield*, and the Wages, Fees, and Profits to the ſaid Office of right belonging, and from the whole time whereof the memory of Man is not to the contrary, to have and take, with force and Arms, then and there hindred, and as yet doth hinder, and other harms to him, *&c.* to the great damage, *&c.* and againſt the peace, *&c.* and whereupon he ſaith that he is the worſe, and hath damage to the value of 100. pound, and thereof bringeth ſute, *&c.* And the aforeſaid *Robert*, and *Thomas*, by *William Cragg* their Attourny come, and defend the force and injury when, *&c.* and ſay that they are not guilty of the Treſpaſs aforeſaid, as the aforeſaid Earl above againſt them complaineth, and of this put themſelves upon the Country, and the aforeſaid Earl likewiſe, therefore it is commanded to the Sheriff that he cauſe to come here from the day of the Holy *Trinity* in 3 weeks 12, *&c.* by whom, *&c.* and who neither, *&c.* to recognize, *&c.* becauſe aſwell, *&c.* Afterwards the day and place within contained, before *Peter Warberton* one of the Juſtices of the Lord the King of the bench, and *Thomas Foſter* another of the Juſtices of the ſaid Lord the King of the Bench, Juſtices of the ſaid Lord the King to Aſſiſes, in the County of *Nottingham*, to be taken by form of the Statute, *&c.* come aſwell the within named *Roger* Earl of *Rutland*, as the within named *Robert Spencer* and *Thomas Woldwood* by their Attorneys within contained. And the Jurors of the Jury whereof within is made mention being called, ſome of them, that is to ſay *Edward Bould* of *Holloughton* Eſquire, *Edward Coppinger* of *Francfield* Eſquire, *George Hutchinſon* of *Balford* Gent. *Francis Hollingworth* of *Stapleford* Gent. *William Greſley* of the ſame, *Nicholas Hamond* of *Lound* Gent. *Anthony Whitwell* of *Weyſton* Gent. *Joh. Sturtevant* of *Calverton* Gent. *Richard Griggs* of *Gringly* upthe Hill, and *John Seywell* of *Normanton* againſt *Plumtree* come, and are ſworn Jurors of the Jury aforeſaid, aud becauſe the reſt of the Jurors of that Jury did not appear, therefore others of the ſtanders by, choſen by the Sheriff of the County aforeſaid, at the requeſt of *Roger* Earl of *Rutland*, and by the command of the Juſtices aforeſaid, of new are added, whoſe names are ſyled to the Pannel within written, according to the form of the Statute in ſuch caſe made and provided, and the Jurors of new added, that is to ſay, *John Hutten* and *John Templemem* likewiſe come, who to ſay the truth of the premiſes, with the other Jurors aforeſaid firſt impannelled, choſen, tryed and ſworn, ſay upon their Oath; That the Lady *Elizabeth*, late Queen of *England*, was ſeiſed in her demeſn as of Fee, in right of her Crown of *England*, of and in the Manor of *Maunsfield* in the County of *Nottingham*, and of and in the Manor of *Bolſover*, and *Horſley* in the County of *Derby*, aud ſo thereof being ſeiſed, the 14th. day of *June* in the year of her Reign the 42th. By her Letters Patents, under the great Seal of *England* ſealed, and to the Jurors aforeſaid ſhewed in evidence, graunted to the aforeſaid Earl of *Rutland*, from the time of the full age of the ſaid Earl of 21 years, to the term, and for and during the whole term of the natural life of him the ſaid Earl, the office of Steward of the Lordſhips or

Manors aforeſaid, with the Wages and Fees to the ſaid Office, of old due and accuſtomed, as in the ſaid Letters Patents is contained, the Tenor of which followeth in theſe words. *Elizabeth* by the Grace of God, of *England*, *France* and *Ireland* Queen, Defender of the Faith, *&c.* To all to whom theſe preſent Letters ſhall come Greeting; Know ye, that we of our ſpecial Grace, and of our certain Knowledge, and meer Motion, have given and granted, and by theſe preſents for us, our Heirs, and Succeſſors, do give and grant to our Well Beloved Coſin, *Roger* Earl of *Rutland*, the Office of Conſtable of our Caſtle of *Nottingham*, and Keeper of the Gates of the ſaid Caſtle, as alſo the Office of Steward, Keeper, Guardian, and Chief Juſtice of our Foreſt of *Sherwood*, and our Parks of *Billow*, *Birkland*, *Romwald*, *Owſeland*, *Folwood*, *Beskwood*, and *Clipſon*, with their Appurtenances in the ſaid County of *Nottingham*, and him the ſaid *Roger* Earl of *Rutland*, Conſtable of our Caſtle aforeſaid, and Keeper of the Gates of the ſaid Caſtle, as alſo Steward, Keeper and Juſtice Itinerate of the Foreſts and Parks aforeſaid, we do make, ordain, and conſtitute by theſe preſents, giving and granting to the ſaid *Roger* Earl of *Rutland*, by the Tenor of theſe preſents, full power and authority, All, and all manner of Pleas, Quarrels, and Cauſes within the Foreſt and Parks aforeſaid, or any of them ariſing, according to the Law and Cuſtom of the Foreſt to hear and determine. To have, enjoy, uſe, and exerciſe, the Offices aforeſaid and every of them, To the aforeſaid *Roger* Earl of *Rutland*, by him, or by his ſufficient Deputy or Deputies, from the time of the full age of 21. yeers, of the ſame Earl, to the Term, and for and during the whole Term of the natural life of the ſaid *Roger* Earl of *Rutland*, together with power in the ſaid Offices to make and appoint all Officers of old due and accuſtomed, and for the exerciſing and occupation of the Office aforeſaid, we give and grant by theſe preſents to the aforeſaid *Roger* Earl of *Rutland*, the Wages and Fee of 40. Marks by the year, from the time of the full age of 21. years of the ſaid Earl, to the Term, and for the whole natural life of the ſaid Earl of *Rutland*; As alſo an Annuity or yeerly Rent of 9. pound, from the time of the full age of the ſaid Earl, to the Term, for and during the whole Term of the natural life of the ſame Earl of *Rutland*, for the Wages or Stipends of 9. Foreſters, aſſigned by him the ſaid Earl, to keep the Foreſt aforeſaid, To be taken & yearly to be received, the ſaid Wages and Fee of 40. Marks, from the Treaſury of us, our Heirs and Succeſſors, at the Receipt of our Exchequer at *Weſtminſter*, by the Hands of our Treaſurer or Chamberlains, or any of their Hands for the time being, at the Feaſt of Saint *Michael* the Archangel and *Eaſter*, by even portions. And alſo the ſaid Annuity or yearly Rent of 9. pound, for the Wages and Stipend of the aforeſaid *Roger* Earl of *Rutland*, from the time of the full age of 21. years of the ſaid Earl, to the Term, and for and during the whole Term of the natural life of the ſame Earl of *Rutland*, from the Treaſury of us, our Heirs and Succeſſors, at the Receipt of our Exchequer, ariſing by the Hands of our Treaſurer and Chamberlains, or any of them for the time being, or from our Meadows near the Caſtle of *Notington* aforeſaid, called the Kings Meadows, and of the profits of Pannage and Herbage of our Park of *Beskwood*, as alſo of all the Rents and profits of the Foreſt aforeſaid coming or growing, by the Hands of the Bayliffs, Farmers, Receivers, or other Occupiers of the ſaid Meadows, out of the Rents and profits aforeſaid, or any of them for the time being, at the Feaſts aforeſaid, by equal portions; We alſo give, and

for

for us, our Heirs and Succeſſors, we grant to the ſaid *Roger* Earl of *Rutland*, from the time and full age of 21. years of the ſame Earl, to the Term, and for and during the whole Term of the natural life of the ſame *Roger* Earl of *Rutland*, The Office of Steward of our Lordſhips or Manors of *Maunſfield*, *Bolſover*, and *Horſeley*, with the Wages and Fees to the ſaid Office, of old due and accuſtomed to be taken, To have, and yearly to take the ſaid Wages during the Term aforeſaid, of the Iſſues, Profits, Farms and Revenews of the ſaid our Lordſhips, or Manors of *Maunſfield*, *Bolſover*, and *Horſeley*, or any of them, by the Hands of the Farmers, Receivers, or other Occupiers of the ſame, or any of them for the time being, at the ſaid Feaſts of Saint *Michael* the Archangel, and *Eaſter*, by equal portion, together with all other Profits, Rights, Commodities, Juriſdictions, Privileges, Preheminences, and Emoluments, to all and ſingular the ſaid Offices, with other the premiſes or any of them coming, or any wayes belonging, and as fully, freely, and wholy, and in as ample manner and form as *Thomas Manners Knight*, or *John Manners Eſquire*, or *John* late Earl of *Rutland*, or before him *Edward* late Earl of *Rutland* deceaſed, or before them *Thomas* and *Henry*, late Earls of *Rutland* deceaſed, *Anthony Brown*, or *Richard Southwell Knights* deceaſed, or any other, or other Officer or Officers aforeſaid, or any of them, before this time occupied, had, and perceived, or ought to have had and received, in and for the ſame or any of them. And moreover, of our further Grace, certain Knowledge, and meer Motion, we have given and granted, and by theſe for us, our Heirs, and Succeſſors, we give and grant to the aforeſaid *Roger* Earl of *Rutland*, The Office of Keeper of our Park of *Nottingham*, with all and ſingular Wages, Fees, Profits, Commodities, and Emoluments whatſoever, to the Office aforeſaid due and accuſtomed, or belonging, in as ample manner and form as the aforeſaid *Thomas Manners Knight*, or *John Manners Eſquire*, or the aforeſaid *John* or *Edward*, late Earls of *Rutland* now deceaſed, or before them one *Richard Manners*, or *Francis Leak Knight* now deceaſed, or any other or others, Officer or Offices aforeſaid, exerciſed, had and took, To have, uſe, and exerciſe, the Office aforeſaid, to the ſaid *Roger* Earl of *Rutland*, by him, or his ſufficient Deputy or Deputies, from the time of the full age of 21. years, of the ſame Earl, to the Term, and for and during the whole Term of the natural life of the ſaid *Roger* Earl of *Rutland*, together with the Wages, Fees, Profits, Commodities, Advantages, and Emoluments whatſoever, to the ſaid Office of old due and accuſtomed, or part, or by reaſon thereof by any perſon whatſoever, before taken and had, by the Hands of the Receivers, Farmers, Bayliffs, Occupiers, or our Officers, for the time being, of the Iſſues, Revenews, and Profits of the ſame, at the Feaſts of *Eaſter* and Saint *Michael* the Archangel, by equal portions to be paid. Which Offices and Fees, and all and ſingular the premiſes above by theſe preſents, given and granted by our Letters Patents under our Great Seal of *England* made, bearing date at *Weſtminſter* the 23th. day of *July*, in the year of our Reign the 23th. to one *John Manners Eſquire*, during the minority of the aforeſaid *Roger* Earl of *Rutland*, lately were given and granted, Which *Ro.* Earl of *Rutland* is now of full age, as we have certain Knowledge, Willing, and alſo firmly enjoyning, and cõmanding by theſe preſents to all and ſingular our Officers, Miniſters, and Subjects, as well within Liberties as without, by the Tenor of theſe preſents, That to the ſaid *Roger* Earl of *Rutland*, and to his Deputy or Deputies in all the premiſes to be done,

executed, they be aiding, & aſſiſting, as it ought to be, Notwithſtanding that expreſs mention, of the true yearly value, or of the certainty of the premiſes, or any of them, or of other gifts or grants by us, or by any of our Progenitors, to the aforeſaid *Roger* Earl of *Rutland*, before this time made, are not in being, or any other Statute, Act, Ordinance, Proviſion, or Reſtraint to the contrary thereof before this had, made, done, ordained, or provided, or any other thing, cauſe, or matter whatſoever, in any wiſe notwithſtanding. In witneſs whereof we have cauſed theſe our Letters to be made Patents. Witneſs my ſelf at *Weſtminſter*, the 14th. day of *June*, in the yeer of our Reign the 42th. And that the ſaid *Roger* Earl of *Rutland*, before the making of the ſaid Letters Patents, that is to ſay, the 10th. day of *November*, in the year of the Reign of the aforeſaid late Queen the 40th. came unto his full age of 21. years, By virtue of which Letters Patents aforeſaid, he was ſeiſed of the aforeſaid Office of Steward, of the Manor of *Maunſfield* aforeſaid, in the Declaration above ſpecified, as of Freehold for the Term of his life, and that the aforeſaid *Roger* Earl of *Rutland*, at the time of the making of the ſaid Letters Patents, did exerciſe the Office of Steward of the aforeſaid Manor of *Maunsfield*, in the Declaration aforeſaid mentioned, by his Deputies, and not by himſelf in his own perſon. And that afterwards, that is to ſay, the 17th. day of *December*, in the year of the Reign of the ſaid late Queen *Elizabeth* the 44th. The ſaid late Lady the Queen of the ſaid Manor of *Maunsfield*, ſo as before is ſaid being ſeiſed, By her Letters Patents under the Great Seal of *England* ſealed, bearing date the ſame day and year, and to the Jurors aforeſaid in Evidence ſhewed, had granted the aforeſaid Manor of *Maunsfield*, amongſt other things to *William Hamond*, and *Ralph Catterell*, To have, and to hold the aforeſaid Manor of *Maunsfield* with the Appurtenances, to the aforeſaid *William Hamond*, and *Ralph Cotterell*, their Heirs and Aſſigns for ever. By virtue of which, the aforeſaid *William Hamond*, and *Ralph Cotterell*, into the aforeſaid Manor of *Maunsfield* with the Appurtenances, entred and were thereof ſeiſed in their Demeſn as of Fee, And that the aforeſaid *William Hamond*, and *Ralph Cotterell*, ſo thereof being ſeiſed, Afterwards, that is to ſay, the 23th. day of *January*, in the year of the Reign of the Lady *Elizabeth*, late Queen of *England* the 44th. aboveſaid, By their certain Indenture, bearing date the ſame day and year, and afterwards, that is to ſay, the 27th. day of the ſame Moneth of *January*, in the year 44th. aforeſaid, before the ſaid Lady the Queen in her *Chancery*, of Record inrolled, for and in Conſideration of 10. ſhillings to the ſaid *William* and *Ralph*, By the Right Honourable *Gilbert* Earl of *Shrewesbury*, and *Mary* his Wife, paid, granted, aliened, bargained and ſold, the aforeſaid Manor of *Maunsfield* with the Appurtenances, to the aforeſaid Earl of *Shrewesbury*, and *Mary* his Wife, To have, and to hold the ſaid Manor with the Appurtenances, to the aforeſaid Earl of *Shrewesbury*, and Counteſſe, and to their Heirs for ever. By virtue of which, as alſo by force of an Act in Parliament of the Lord *Henry*, late King of *England* the 8th. in the year of his Reign the 27th. holden, made, the aforeſaid Earl of *Shrewesbury*, and Counteſs, were of the aforeſaid Manor of *Maunsfield* with their Appurtenances, ſeiſed in their Demeſn as of Fee; And the Jurors further ſay upon their Oath aforeſaid, That the aforeſaid Earl of *Shrewesbury*, and Counteſs, ſo as before is ſaid being ſeiſed, Afterwards, that is to ſay, the 16th. day of *February*, in the yeer of the Reign of the ſaid late Queen the 44th. in the Declaration above ſpecified, One *Simon Stern*, then being Deputie of the aforeſaid

aforesaid Earl of *Rutland*, for the exercising the said Office of Steward of the aforesaid Manor of *Maunsfield*, came to the Town of *Maunsfield*, to the usual place there, where the Court of the Manor of *Maunsfield* aforesaid was commonly holden and kept, to keep the Court Baron of the said Manor of *Maunsfield* aforesaid, And the aforesaid *Thomas Woodward*, came thither to keep the Court of the said Manor, as Steward for the aforesaid *Gilbert* Earl of *Shrewsbury*, and that the aforesaid *Thomas Woodward*, as Steward of the aforesaid Earl of *Shrewsbury*, and the aforesaid *Simon Stern*, as Deputy of the aforesaid Earl of *Rutland*, to the place aforesaid, both together came, And the said *Simon Stern*, as Deputy of the said Earl of *Rutland*, Commanded the Bayliff of the same Manor to make Proclamation for the holding of the Court Baron of the said Manor, by him the said *Simon Stern*, as Deputy of the aforesaid Earl of *Rutland* then to be holden; And the aforesaid *Thomas VVoodward*, as Steward of the aforesaid Earl of *Shrewsbury*, likewise Commanded the Bayliff of that Manor that he make Proclamation for the holding of the Court Baron of the Manor aforesaid, by him the said *Thomas VVoodward*, as Steward of the aforesaid Earl of *Shrewsbury*, But no Court then was holden, but by the said *Thomas VVoodward* it was then adjorned, And from thence until the bringing of the aforesaid Original Writ, The aforesaid *Thomas VVoodward*, and Steward of the aforesaid *Gilbert* Earl of *Shrewsbury*, kept the Courts of the Manor aforesaid, and allwayes from thence he the said *Thomas Woodward*, and the aforesaid *Robert Spencer*, Received all the Fees belonging to the Steward there, as they became due; And if upon the whole matter aforesaid, by the Jurors aforesaid, in form aforesaid found, It shall seem to the Court here, that the aforesaid *Robert Spencer*, and *Thomas VVoodward*, are guilty of the Trespas within written, Then the Jurors say upon their Oath aforesaid, That the aforesaid *Robert Spencer*, and *Thomas Woodward*, are guilty of the Trespasse within written, as the said *Roger* Earl of *Rutland* within against them complaineth. And then they assesse the Damages of the said *Roger* Earl of *Rutland*, above his costs and charges by him about his Sute in this behalf expended, to Forty pound, and for his costs and charges to Twelve pence; And if upon the whole matter aforesaid, by the Jurors aforesaid, in form aforesaid found, It shall seem to the Court here, that the aforesaid *Robert Spencer*, and *Thomas Woodward*, are not guilty of the Trespasse within written, Then the Jurors say upon their Oath aforesaid, That the aforesaid *Robert Spencer*, and *Thomas Woodward*, are not guilty of the Trespas within written, as the said *Robert* and *Thomas* within have alleged; And becausse, *&c.*

TRESPAS.

Michaelmaſs Term, Anno 10. of King *JAMES*, Rot. 574. in the *KINGS-BENCH*, Co. 10. part. The Caſe of *Suttons Hoſpital*, *Fol.* 1.

Middle. MEmorandum, that at another time, that is to ſay, *Trinity Term*, laſt paſt, before the Lord the King at *Weſtminſter*, come *Simon Baxter Gent.* by *George Cuppledick* his Attorney, and brought here in the Court of the ſaid Lord the King then and there his Bill againſt *Richard Sutton Eſq.* and *John Law Gentleman*, in the cuſtody of the Marſhal, of a Plea of Treſpaſs, and are Pledges of Sute, *John Doo*, and *Richard Roo*, which Bill followeth in theſe words. *ſſ. Middleſex ſſ. Simon Baxter Gentleman*, complaineth of *Richard Sutton*, and *John Law*, in the Cuſtody of the Marſhal of the *Marſhalſey*, being before the King himſelf, For that, That they, The 30th. day of *May*, in the year of the Reign of the Lord *JAMES*, now King of *England* the 10th. with force and Arms, the Cloſe and Houſe of him the ſaid *Simon*, that is to ſay, A Capital Meſſuage with the Appurtenances, called, The late diſſolved *Charter-Houſe* beſides *Smith-Field*, at the Pariſh of Saint *Sepulchre*, in the County aforeſaid they brake and entred, and other harms to him did, againſt the Peace of the Lord the King that now is, to the damage of the ſaid *Simon* 40. pound, and thereof he bringeth Sute. And now at this day, That is to ſay, *Friday* next after 8. days of Saint *Michael* this Term, until which day, the aforeſaid *Richard* and *John*, had licenſe to imparl to the ſaid Bill, and then to anſwer, *&c.* before the Lord the King at *Weſtminſter*, come as well the aforeſaid *Simon* by his Attorny aforeſaid, as the ſaid *Richard* and *John* by *Thomas Heyward* their Attorny, And the ſaid *Richard* and *John* defend the force and injury when, *&c.* And ſay that they are not guilty, and of this put themſelves upon the Country, and the ſaid *Simon Baxter* likewiſe; Therefore a Jury was to come thereof before the Lord the King at *Weſtminſter*, *Saturday* next after 8. days of Saint *Hillary*, And who neither, *&c.* To Recognize, *&c.* Becauſe as well, *&c.* The ſame day is given to the parties aforeſaid, *&c.* From which day the Jury aforeſaid, between the parties aforeſaid, of the Plea aforeſaid, by Jurors were put by them in reſpite, until *Monday* next after the Morrow of the Purification of the bleſſed *Mary* then next following, for default of Jurors, *&c.* At which day before the Lord the King at *Weſtminſter*, come as well the aforeſaid *Simon Baxter*, as the aforeſaid *John Sutton*, and *John Law*, by their Attornies aforeſaid, And the ſaid Jurors being called, come, who to ſay the truth of the premiſes, choſen, tryed, and ſworn, ſay upon their Oath, That one *Thomas Sutton Eſquire*, long before the time in which the Treſpaſs aforeſaid is ſuppoſed to be done, was ſeized of and in all thoſe Manors and Lordſhips of *Southminſter*, *Norton*, *Little Hallingbury*,

ry, otherwiſe *Hallingbury Bowchers*, and *Muchſtanbridge*, in the County of *Eſſex*, with all and ſingular Rights, Members, and Appurtenances whatſoever. As alſo of, and in all thoſe Manors, and Lordſhips of *Buſtingthorp*, otherwiſe *Buſlingthorp*, and *Dunnesby*, in the County of *Lincoln*, with their Rights, Members and Appurtenances whatſoever; And of and in all thoſe Manors of *Salthorp*, otherwiſe *Saltrop*, otherwiſe *Halthrop*, *Chilton*, and *Black-grove*, in the County of *Wilts*, with their Rights, Members, and Appurtenances. And of and in all thoſe Lands, and Paſtures called *Black-grove*, conteining by eſtimation 200. Acres of Paſture, with the Appurtenances in *Black-grove*, and *Wroughton*, in the County of *Wilts*. And of and in all thoſe Manors of *Mihenden*, otherwiſe *Miſſenden*, otherwiſe called the Manors of *Muſſenden*, in the Pariſh of *Wroughton*, *Lydepard*, and *Tregoſe*, in the ſaid County of *Wilts*, with all and ſingular their Rights, Members, and Appurtenances; and of all that Manor of *Elcomb*, and Park called *Elcomb* Park, with the Appurtenances in the ſaid County of *Wilts*. And of and in all that Manor of *Wattleſcote*, otherwiſe *Wiggleſcote*, otherwiſe *Wiggetſcete* with the Appurtenances in the ſaid County of *Wilts*. And of and in all that Mannor of *Weſcot*, otherwiſe *Weſcet*, with the Appurtenances in the ſaid County of *Wilts*. And of and in all thoſe Lands and Paſtures, conteining by eſtimation 100. Acres of Land, and 60. Acres of Paſture in *Wiggleſcot*, & *Wroughton* in the ſaid County of *Wilts*. And of and in all that Manor of *Vſcot*, with the Appurtenances in the ſaid County of *Wilts*. And of and in all thoſe two Meſſuages, and 1000. Acres of Land, 2000. Acres of Paſture, 300. Acres of Paſture, and 300. Acres of Wood, with the Appurtenances in *Broadhinton*, in the ſaid County of *Wilts*. And of and in all thoſe Manors and Lordſhips of *Campes*, otherwiſe *Campes*-Caſtle, otherwiſe called Caſtle-*Campes* with the Appurtenances, ſituate, lying, being, and extending into the Counties of *CAMBRIDGE* and *ESSEX* or either of them, or elſewhere in the Kingdom of *ENGLAND*. And alſo of and in all that Manor of *Balſham* in the County of *Cambridge*, with all and ſingular Rights, Members, and Appurtenances whatſoever. And alſo of, and in all and ſingular thoſe Meſſuages and Lands, ſituate, and being in the Pariſh of *Hackney*, and *Tottingham*, in the County of *Middleſex*, with their Rights, Members, and Appurtenances whatſoever, which Meſſuage, was lately purchaſed of *Will. Bowper* Knight, & the ſaid Lands in *Tottenham* now are, or late were in the Tenure or Occupation of *William Benning* Yeoman. And of, and in all and ſingular Manors, Lordſhips, Meſſuages, Lands, Tenements, Reverſions, Services, Feedings, Paſtures, Woods, Advowſons, Patronages of Churches, and Hereditaments of the aforeſaid *Thomas Sutton*, whatſoever, ſituate, lying and being in the ſaid Counties of *Eſſex*, *Lincoln*, *Wilts*, *Cambridge*, and *Middleſex*, or any of them, with all and ſingular their Rights, Members, and Appurtenances whatſoever in his demeſn as of Fee. And the ſaid Jurors further ſay upon their Oath aforeſaid, That the ſaid *Thomas Sutton* ſo thereof being ſeiſed, before the time in which, that is to ſay, At the 4th Seſſion of Parliament begun and holden by Prorogation at *Weſtminſter*, in the County of *Middleſex*, the 9th. day of *February*, in the yeer of the Reign of our Lord *James* by the grace of God, of *England*, *France*, and *Ireland* King, Defender of the Faith, *&c.* the 7th. and of *Scotland* the 3d. and there continued untill the 24th. day of *July* then next following, and then prorogued until the 16th. day of *October* then next following, amongſt other things, it was Enacted and eſtabliſhed by Authority of the

ſame Parliament, as followeth in theſe words. Humbly beſeecheth your Majeſty, Your Loyal and dutiful Subject, *Thomas Sutton* of *Bedſham*, in the County of *Cambridge* Eſquire, That it may pleaſe your moſt excellent Majeſty, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, To Enact, Ordain, Eſtabliſh, And be it Enacted, Ordained, and Eſtabliſhed by the Authority aforeſaid, That in the Town of *Hallingburn*, otherwiſe called *Hallinborn Bowchers*, in the County of *Eſſex*, there may be builded and erected, at the Coſts and Charges of your ſuppliant, one meet, fit, and convenient Houſe, Buildings, and Rooms, for the abiding, and dwelling of ſuch number of poor People, Men, and Children, as your ſuppliant ſhall name by limit and appointment to be lodged, harboured, abide, and be relieved there. And for the abiding, dwelling, and neceſſary uſe of one School-maſter, and Uſher, to inſtruct the ſaid Children in Reading, Writing, and the Latine and Greek Grammar. And of one Divine and godly Preacher, to inſtruct and teach all the reſt of the ſame Houſe in the knowledge of God, and his word. And of one Maſter to govern all theſe perſons, of, in, or belonging unto the ſame Houſe. And that the ſame ſhall and may be called, The Hoſpital of King *James*, founded in *Hallingbury* in the County of *Eſſex*, at the humble Petition, and at the only Coſts and Charges of *Thomas Sutton* Eſquire; And that the Right Reverend Father in God, *Richard* now Arch-Biſhop of *Canterbury*, and his Succeſſors Arch-Biſhops there; *Thomas* Lord *Elleſmore*, Lord Chancellor of *England*, and ſuch as after him ſhall ſucceed to be Lord Chancellors, or Lord Keepers of the Great Seal of *England*, for and during the time they ſhall ſo continue, or be in the ſame Office; *Robert* Earl of *Saliſbury*, Lord High Treaſurer of *England*, and ſuch as after him ſhall ſucceed to be Treaſurers of *England*, for and during the time they ſhall continue or be in the ſame Office; The Reverend Father in God, *Launcelot* Biſhop of *Ely*, and his Succeſſors Biſhops there; *Richard* Biſhop of *Rocheſter*, and Dean of the Cathedral Church of *Weſtminſter*, and his Succeſſors of and in the ſame Deanery; Sir *Thomas Foſter* Kt. one of the Juſtices of your Majeſties Court of *Common-Pleas* uſually holden at *Weſtminſter*, Sir *Henry Hobart* Knight, your Majeſties Attorney General, *John Overal* Doctor of Divinity, Dean of the Cathedral Church of Saint *Paul* in *London*, and his Succeſſors Deans there, *Henry Thurſby* Eſquire, one of the Maſters of your Majeſties Court of *Chancery*, *Thomas Forteſcue*, *Thomas Paget*, *Geffrey Nightingale*, and *Richard Sutton* Eſquires, *John Law*, and *Thomas Brown* Gent. and ſuch others as ſhall be from time to time for ever hereafter choſen and nominated in and to the places and ſteads of ſuch of them as ſhall deceaſe by your ſuppliant during his life; and after his deceaſe by the moſt part of them, which then ſhall be Governors of the ſaid Hoſpital, to be and ſucceed in, and to the place and places of him and them deceaſing, ſhall and may be the Governors of the ſaid Hoſpital, and of the Members, Goods, Lands, Revenews, and Hereditaments of the ſame, at all times hereafter for ever: And that the ſame Governors and Hoſpital, ſhall for ever hereafter ſtand, and be incorporated, Eſtabliſhed, and founded in name, and indeed, a body Politick & Corporate to have continuance for ever, By the name of the Governors of the Hoſpital of King *James*, founded in *Hallingbury* in the County of *Eſſex*, at the humble Petition, and at the only Coſts and Charges of *Thomas Sutton* Eſquire; And that they the ſaid Governors may have a perpetual Succeſſion, and that by that name, they and their Succeſſors, may

for

for ever have, hold and enjoy, the Manors, Lordſhips, Meſſuages, Lands, Tenements, and Hereditaments hereafter mentioned, without any Licenſe of pardon for any alienation of them, or any of them, and without any Licenſe of, or for Mortmain, or any other Law or Statute to the contrary notwithſtanding, That is to ſay, your Suppliants Manors, and Lordſhips of *Southminſter*, *Norton*, little *Hallingbury*, otherwiſe *Hallingbury Bowchers*, and *Much Stambridge* in the County of *Eſſex*, with all their, and every of their Rights, Members, and Appurtenances whatſoever: And all thoſe your ſupplyants Manors, and Lordſhips of *Baſſingthorp* in *Dunneſby* in the County of *Lincoln*, with theirs and either of their Rights, Members, and Appurtenances whatſoever. And alſo all thoſe your ſupplyants Manors of *Salthope*, otherwiſe of *Saltrop*, *Chilton*, and *Black grove*, with their and every of their Rights, Members, and Appurtenances in the ſaid County of *Wilts*. And all thoſe your ſupplyants Lands, and Paſture grounds called *Black-grove*, conteining by eſtimation 200. Acres of Paſture with the Appurtenances in *Black-grove*, and *Wroughton*, in the ſaid County of *Wilts*. And all that your ſupplyants Manor of *Mihenden*, otherwiſe called *Miganden*, in the pariſhes of *Wroughton*, *Hygerd*, and *Tregoce*, in the ſaid County of *Wilts*. And all that your ſupplyants Manor of *Elcombe*, and the Park called *Elcombe* Park, in the ſaid County of *Wilts*. And all thoſe your ſupplyants Manor of *Wittleſcot*, otherwiſe called *Wiggleſcot*, otherwiſe called *Wigleſcete*, otherwiſe called *Webeſcete*, in the County of *Wilts*. And all thoſe your ſupplyants Lands, and Paſtures, called *Weſcete*, with the Appurtenances in the ſaid County of *Wilts*. And all that your ſupplyants Manor of *Weſcote*, otherwiſe called *Weſcete*, with the Appurtenances in the ſaid County of *Wilts*. And all thoſe your ſupplyants Lands, and Paſtures, contayning by eſtimation, 100. Acres of Land, and 60. Acres of Paſture in *Wigliſcot* and *Wroughton*, in the ſaid County of *Wilts*. And all that your ſupplyants Manor of *Offcote* with the Appurtenances, in the ſaid County of *Wilts*. And all thoſe your ſupplyants two Meſſuages, and 1000 Acres of Land. 2000. Acres of Paſture, 300. Acres of Meadow, and 300. Acres of Wood, with the Appurtenances in *Brodelinton*, in the ſaid County of *Wilts*. And alſo all thoſe your ſupplyants Manors and Lordſhips of *Campes*, otherwiſe called *Campes*, otherwiſe called *Campes*-Caſtle, otherwiſe called *Caſtle Campes*, ſituate, lying, being, and extending in the Counties of *Cambridge*, and *Eſſex*, or in either of them, or elſewhere, within the Realm of *England*. And alſo all that your ſupplyants Manor of *Balſham*, in the County of *Cambridge*, with all and ſingnlar the Rights, Members, and Appurtenances thereof, whatſoever. And alſo all that your ſupplyants Meſſuage and Lands, ſituate, and being in the Pariſhes of *Hackney*, and *Tottenham*, in the County of *Middleſex*, or in either of them, with their, and either of their Rights, Members, and Appurtenances whatſoever, which ſaid Meſſuage, was late purchaſed of Sir *William Bowper* Knight, and the Lands in *Tottenham* now are, or late were, in the tenure or Occupation of *William Benning* Yeoman. And alſo all and ſingular the Manors, Lordſhips, Lands, Tenements, Reverſions, and Services, Meadows, Paſtures, Woods, Advowſons, Patronages of Churches, and Hereditaments, of your ſupplyants whatſoever, ſituate, lying and being, within the ſaid Counties of *Eſſex*, *Lincoln*, *Wilts*, *Cambridge*, and *Middleſex*, or any of them, with all and every of their Rights, Members, and appurtenances whatſoever. And alſo all your ſupplyants Letters Patents, Indentures, Deeds, Evidences, Books,

and Writings concerning the premiſes, or any of them. And all ſuch Commiſſions, Warrants, Vouchers, Actions, Sutes, Entries, Benefits, and Demands, as ſhall and may be had, by any perſon or perſons, upon, or by reaſon of them, or any of them, except thoſe your ſupplyans Manors and Lordſhips of *Littlebury*, and *Hadſtock*, in the ſaid County of *Eſſex*, and except all your ſuppliants Lands, Tenements, and Hereditaments in *Littelbury*, and *Hadſtock* aforeſaid, or either of them; And that the ſaid Governour and their ſucceſſors, by the ſame name, ſhall and may have power, ability, and capacity to demiſe, leaſe and grant their Poſſeſſion and Hereditaments, and every of them, to take, acquire, and purchaſe, and to ſue, and be ſued, and to do, perform and execute, all and every other Lawfull act and thing, good, neceſſary, and profitable for the ſaid Incorporation, in as full and ample manner and form, and to all intents, conſtructions, and purpoſes, as any other Incorporations, or body politick or corporate, fully and perfectly, founded and incorporated, may do. And that the ſame Governours and their ſucceſſors for the time being, may have, and uſe a common Seal, for the making, graunting and demiſing of ſuch their demiſes and Leaſes, and for the doing of all and every other thing, touching, or in any wiſe concerning the ſaid Incorporation. In which Seal, ſhall be engraven the Arms of the ſaid *Thomas Sutton* your ſupplyant. And alſo that it may be further enacted by the authority aforeſaid, and be it enacted by the authority aforeſaid, That your ſupplyant during his life, and the ſaid Governours and their Succeſſors, for the time being, or the moſt of them, after his deceaſe, ſhall, and may have, full power and Lawfull authority, to break, alter, & change the ſaid Seal, & that your Orator during his life, and the ſaid Governours and their ſucceſſors, for the time being, or the moſt part of them, after his deceaſe, ſhall and may have full power and authority, to nominate and appoint, and ſhall and may nominate and appoint, when, and as often as he and they ſhall think good, ſuch perſon and perſons, as he and they ſhall thinke meet, to be Maſter, Preacher, School-Maſter, Uſher, Poor Men, and Poor Children, and Officers of the ſaid Hoſpital; and when any of them by Death, Reſignation, Deprivation, or otherwiſe ſhall become void, ſhall and may, within one moneth then next after ſuch avoydance, by writing under the ſaid common Seal, nominate & appoint one or more Learned, diſcreet, and meet men and perſons, to be Maſter, Preacher, School-Maſter, Uſher, Poor men, Poor Children, and Officers, in the places of them ſo deceaſing, reſigning, or otherwiſe becoming void, and that in caſe the ſaid Governors and their ſucceſſors, for the time being, or the moſt of them, ſhall not within one moneth after ſuch avoydance, make ſuch nomination and appointment as aforeſaid, that then, and ſo often, and in every ſuch caſe, from and after the deceaſe of your ſaid Orator, it ſhall and may be Lawfull to your Majeſty your Heirs and Succeſſors, by your Letters Patents, under the great Seal of *England*, to nominate and appoint ſome meet, godly, & Learned men, in and to the places void by ſuch default of the ſaid Governours and their Succeſſors for the time being, or the moſt part of them, as is aforeſaid, and that it ſhall, and may be Lawfull to, and for the ſaid *Maſter*, Preacher, School-maſter, Uſher, Poor men, and Poor Children, and Officers of the Hoſpital, to remain, aſſemble, be and Cohabit together, in the ſaid Houſe, Buildings, and Hoſpital, And that it may be further enacted by the authority aforeſaid, and Be it enacted by the authority aforeſaid, that your ſaid

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ſupplyant during his life, and that the ſaid Governors and their ſucceſſors for the time being, or the moſt part of them, after his deceaſe, ſhall and may have full power and authority under the ſaid common Seal, to make, ordayn, ſet down, and preſcribe ſuch Rules, Statutes, and Ordinances, for the Order, Rule, and Government of the ſaid Hoſpital, and of the ſaid *Maſter*, Preacher, School-*Maſter*, Uſher, Poor men, Poor Children, and Officers, and their ſucceſſors, and for their and every of their ſtipends, and allowances, as to your ſaid ſupplyant during his life, and the ſaid Governors and their ſucceſſors, for the time being, or the moſt part of them, after his deceaſe, ſhall ſeem meet and convenient. And that the ſame Orders, Rules, Statutes, and Ordinances, ſo by him, them, or any of them made, ſet down, or preſcribed as aforeſaid, ſhall be, and ſtand, in full force and ſtrength in Law, the ſame not being repugnant nor contrary to your *Majeſties* Prerogative royal, nor to the Laws or Statutes of this your *Majeſties* Realm of *England*, nor to any Eccleſiaſtical Canons of the Church of *England*, then in force and uſe. And that your ſaid ſupplyant during his life, and the ſaid Governours and their ſucceſſors, for the time being, or the moſt part of them, and ſuch of them as your ſaid ſupplyant ſhall thereto nominate and appoint, ſhall and may after the deceaſe of your ſaid ſuppliant, have power and authority to viſit the ſaid Hoſpital, and to Order, reform and redreſs all diſorders and abuſes in and touching the Government and diſpoſing of the ſame, And further to cenſure, ſuſpend, and deprive the ſaid Maſter, Preacher, School-maſter, Uſher, Poor men, Poor Children, and Officers for the time being, and every or any of them, as to him and them ſhall ſeem Juſt, fit and convenient, ſo alwaies as no Viſitation, Act, or thing, in, or touching the ſame, be had, made or done, other than by your ſupplyant during his life, or the ſaid Governours and their ſucceſſors, for the time being, or the moſt part of them, after his deceaſe, or by ſuch of them as your ſupplyant ſhall hereunto nominate and appoint. And alſo that it may be farther enacted by the authority aforeſaid, and be it enacted by the authority aforeſaid, that that the ſaid Preacher and Miniſter of the Word of God, which ſhall be placed in the ſaid Hoſpital, to and for the uſes and purpoſes aforeſaid, from time to time hereafter ſhall and may enter into, have, hold, and enjoy, the Rectory and Parſonage of *Hallingbury* aforeſaid, in, and to his own proper uſe & behoof, for & during ſo long time as he ſhall be Preacher, & Miniſter there, without any other Preſentation, or Admiſſion, Inſtruction, or Induction. And that no Leaſe ſhall hereafter be made of the ſaid Parſonage or of any part or portion thereof, other than ſuch as ſhall determine & end when & as ſoon as any ſuch perſon ſhall be the Preacher or Miniſter of and in the ſaid Hoſpital, when the ſame Leaſe ſhall be made, ſhall ceaſe, and reſign, leave, or be put out and removed from his ſaid place of Preacher or Miniſter of the ſaid Hoſpital, Saving alwayes, and reſerving to your Majeſty, your Heirs and Succeſſors, and to every other perſon or perſons, Bodies Politick or Corporate, their Heirs and Succeſſors, other than your ſuppliant and his Heirs, and the perſon and perſons from whom the ſame were purchaſed, and their Heirs, claiming only as Heirs, all ſuch Eſtate, Right, Title, Condition, Claim, Poſſeſſion, Rents, Services, Commons, Demands, Actions, Remedies, Recoveries, Terms, Intereſts, Forfeits, Commodities, Advantages, and Hereditaments whatſoever, which they or any of them ſhall and may, have, or of Right ought to have, of, in,

to, or out of the premiſes, or any of them, or any part thereof, as if this Act had never been had or made, Other than Fine or Fines, of or for any Alienation of the premiſes, or any part or parcel thereof, And other their Reſpits of Homage, or Fines for not payment of Reſpits of Homage, at any time hereafter to be demanded, And other than Title and Right of Liberty or Liberties, to enter into the ſame or any one of them, for or by reaſon of any Statute hitherto made, for, concerning, or againſt any Alienation in Mortmain, as by the ſaid Act amongſt other things it appeareth. And further the ſaid Jurors ſay upon their Oath aforeſaid, That *Thomas*, then and now Earl of *Suffolk*, Lord Chamberlain of the Kings Houſhold, before the aforeſaid time in which, *&c.* was ſeized of and in a certain Capital Meſſuage or Manſion-houſe, called or known by the name of *Howard Houſe*, otherwiſe called, The late diſſolved *Charter-Houſe*, beſides *Smithfield*, ſituate, lying and being in the County of *Middleſex*, with all and ſingular Rights, Members, and Appurtenances to the ſame belonging and appertaining, And all that Orchard and Garden with the Appurtenances, thereunto likewiſe belonging and appertaining, and of and in all that parcel of Land with the Appurtenances, commonly called *Pardon Church-yard*, and of all thoſe two Meſſuages or Tenements, and two Cloſes of Land with the Appurtenances thereunto belonging, commonly called *Welbeck*, ſituate, lying and being in the ſaid County of *Middleſex*, whereof the aforeſaid Capital Meſſuage with the Appurtenances, in the Declaration aforeſaid mentioned is, and the aforeſaid time in which it is ſuppoſed the Treſpaſs aforeſaid above to be done, as alſo time whereof the Memory of Men is not to the contrary, was parcel, in his Demeſn as of Fee, And ſo thereof being ſeized, The ſaid now Earl of *Suffolk*, before the time in which, *&c.* That is to ſay, at *Weſtminſter* in the County of *Middleſex*, By his certain Indenture, between him the ſaid now Earl, by the name of the Right Honourable *Thomas* Earl of *Suffolk*, Lord Chamberlain of the moſt Honourable Houſhold of the Lord the King, and *Theophilus* Lord *Howard*, Son and Heir apparant of the ſaid Earl of *Suffolk*, and *Thomas* Earl of *Arundel* and *Surrey*, and *William* Lord *Howard* of *Naward*, in the County of *Cumberland* of the one part, and the aforeſaid *Thomas Sutton* of *Balſham* in the County of *Cambridge Eſquire* on the other part made, and within 6. Moneths then next following, in the Court of the ſaid Lord the King of *Common-Pleas*, at *Weſtminſter* aforeſaid, then being in due manner of Record Inrolled, according to the form of the Statute in ſuch caſe made and provided, one part of which, as well with the Seal of the aforeſaid *Thomas* now Earl of *Suffolk*, as with the Seals of the aforeſaid *Theophilus* Lord *Howard*, *Thomas* Earl of *Arundel* and *Surrey*, *William* Lord *Howard*, ſealed, to the Jurors aforeſaid in Evidence ſhewed, bearing date the ſame day and year, For and in conſideration of 13000. pound of good and lawful Mony of *England*, by the ſaid *Thomas Sutton*, to the aforeſaid *Thomas* Earl of *Suffolk*, in Hand payed, Bargained, and Sold, All and ſingular the premiſes with the Appurtenances, being called, The late diſſolved *Charter-Houſe*, beſides *Smithfield*, in the ſaid County of *Middleſex*, whereof, *&c.* to the ſaid *Thomas Sutton*, To have, and to hold, to him and his Heirs for ever, to the only uſe and behoof of the ſaid *Thomas*, his Heirs and Aſſigns for ever; The Tenor of which Indenture followeth in theſe words. This Indenture made the 9th. day of *May*, in the 9th. year of the Reign of our Soveraign Lord *JAMES*, by the Grace of God King of *England*, *France* and *Ireland*, defender of the Faith, *&c.*

and

and of *Scotland* the 44th. Between the Right Honourable *Thomas* Earl of *Suffolk*, Lord Chamberlain of the Kings Majesties most Honourable Houshold, The Right Honourable *Theophilus* Lord *Howard*, Son and Heir apparant of the said Earl of *Suffolk*, The Right Honourable *Thomas* Earl of *Arundel* and *Surrey*, and the Right Honourable *William* Lord *Howard*, of *Naward* in the County of *Cumberland* of the one part, and *Thomas Sutton* of *Balsham*, in the County of *Cambridge Esquire* on the other part, Witnesseth, That the said Right Right Honourable *Thomas* Earl of *Suffolk*, *Theophilus* Lord *Howard*, *Thomas* Earl of *Arundel* and *Surrey*, and *William* Lord *Howard*, for and in consideration of the sum of 13000. p. of good and lawful Mony of *England*, to the said *Thomas* Earl of *Suffolk*, in Hand paid before the ensealing and delivery of these presents, by the said *Thomas Sutton*, well and truly satisfied, contented, and paid, whereof and wherewith they and every of them acknowledge themselves fully satisfied, contented, and paid, and thereof and every part and parcel thereof, do clearly acquit, exonerate, and discharge the said *Thomas Sutton*, his Heirs, Executors, and Administators, and every of them by these presents, Have granted, Aliened, Bargained, Sold, Conveied and Confirmed, And by these presents, do for them and their Heirs, fully, clearly, and absolutely, grant, alien, bargain, sell, convey and confirm, unto the said *Thomas Sutton*, his Heirs and Assigns for ever, All that Capital Messuage or Mansion-house, commonly called or known by the name of *Howard House*, otherwise called, The late dissolved *Charter-House*, besides *Smithfield*, situate and being within the County of *Middlesex*, with all and singular the Rights, Members, and Appurtenances thereunto belonging and appertaining, And all that Orchard and Garden with the Appurtenances, thereunto likewise belonging and appertaining, and all that parcel of Land and Ground with the Appurtenances, commonly called *Pardon Church yard*. And all those two Messuages or Tenement, and two Closes of Land and Ground with the Appurtenances thereunto adjoyning, commonly called *Welbeck*, situate, lying and being in the said County of *Middlesex*, And also all and singular Messuages, Houses, Edifices, Buildings, Barns, Stables, Dove-houses, Courts, Folds, Curtilags, Yards, Orchards, Gardens, Shops, Sellars, Sollers, Closes, Inclosures, Waste Grounds, Tithes, Oblations, Obventions, Fruits, Profits, Alterages, Wayes, Waters, Rents, Reversions, Services, Waises, Strayes, Goods of Felons, Outlaws and Fugitives, and all other Franchises, Liberties, Priviledges, Jurisdictions, Profits, Emoluments, Commodities, Hereditaments, and Appurtenances whatsoever, by what name or names soever they be called or known, to the said Capital Messuage or Mansion-house, called *Howard House*, or the late dissolved *Charter-House*, besides *Smith-field*, and other the before mentioned premises, and in every or any of them; lying, belonging, or in any wise appertaining, or to or with the same, every, or any of them usually held, occupied, or enjoyed, or accepted, or reputed, taken, known, demised, used, or letten as part, parcel, or Member of them or any of them, and also the Reversion and Reversions, Remainder and Remainders whatsoever, of all and singular the premises with the Appurtenances, And all Rents and yeerly Profits whatsoever, reserved upon any Demise, Lease, Estate, or Grant, Demises, Leases, Estates, or Grants, heretofore made or granted of the before mentioned premises, or any part or parcel thereof; And also all the Estate, Right, Title, Interest, Use, Possession, Reversion, Remainder, Claim, and Demand whatsoever, of them the

ſaid *Thomas* Earl of *Suffolk*, *Theophilus* Lord *Howard*, *Thomas* Earl of *Arundel* and *Surrey*, and of *William* Lord *Howard*, and of every of them, of, in, or into the ſaid Capital Meſſuage, or Manſion-houſe called *Howard Houſe*, or the late diſſolved *Charter-Houſe* beſides *Smith-field*, and other the before mentioned premiſes, or of, in, or to, every, or any part or parcel hereof. And further the ſaid Right Honourable *Thomas* Earl of *Suffolk*, *Theophilus* Lord *Howard*, *Thomas* Earl of *Arundel* and *Surrey*, and *William* Lord *Howard*, for the conſiderations aforeſaid, Have Granted, Bargained, Sold, and by theſe preſents, do grant, bargain, and ſell unto the ſaid *Thomas Sutton*, his Heirs and Aſſigns for ever, All and every the Deeds, Charters, Evidences, Writings, Counterpains of Leaſe and Leaſes, Indentures, Exemplifications, Letters Patents, Tranſcrips of Fines and Recoveries, Terrers, Court Rolls, Surveis, Preſentments, Boundaries, Eſcripts, and Minuments whatſoever, touching, or in any wiſe only concerning the ſaid Capital Meſſuage or Manſion-houſe, called *Howard H.* or the late diſſolved *Charter-H.* beſides *Smith-f.* To have & to hold the ſaid Houſes, Buildings, Orchards, Gardens, Cloſes, Incloſures, Tenements, Hereditaments, and all other the premiſes before, or in or by theſe preſents bargained and ſold, or mentioned, intended, or meant to be bargained and ſold, and every part and parcel thereof with their Appurtenances, unto the ſaid *Thomas Sutton* his Heirs and Aſſigns for ever to the ſole, only, and proper uſe and behoof of him the ſaid *Thomas*, his Heirs and Aſſigns for ever more, abſolutely without any manner of Condition, Redemption, or Revovation in any wiſe. And the ſaid *Thomas* Earl of *Suffolk*, his Heirs, and the ſaid Capital Meſſuage or Manſion-houſe, called *Howard Houſe*, or the *Charter-Houſe*, and all and ſingular other the before mentioned premiſes, with all their, and every of their Appurtenances, and every part and parcel thereof, unto the ſaid *Thomas Sutton* his Heirs and Aſſigns for ever, in manner and form aforeſaid, againſt him the ſaid *Thomas* Earl of *Suffolk*, and his Heirs, and all and every other perſon or perſons, claiming, by, from, or under him, ſhall and will warrant, and for ever more defend by theſe preſents. And the ſaid *Theophilus* Lord *Howard*, & his Heirs, the ſaid Capital Meſſuage or Manſion-houſe called *Howard Houſe*, or the *Charter-Houſe*, and all and ſingular other the before mentioned premiſes, and every part thereof with the apputenances, unto the ſaid *Thomas Sutton* his Heirs and Aſſigns for ever, in manner and form aforeſaid againſt him the ſaid *Theophilus* Lord *Howard*, and his Heirs, and all and every other perſon and perſons, lawfully claiming, by, from, or under him, ſhall and will warrant, and for evermore defend by theſe preſents. And the ſaid *Thomas* Earl of *Arundel* and *Surrey*, and his Heirs, the ſaid Capital Meſſuage or Manſion-houſe, called *Howard Houſe*, or the *Charter-Houſe*, and all and ſingular the before mentioned premiſes, and every part and parcel thereof with the Appurtenances, unto the ſaid *Thomas Sutton*, his Heirs and Aſſigns for ever, in manner and form aforeſaid againſt him the ſaid *Thomas* Earl of *Arundel* and *Surrey*, and his Heirs, and all and every other perſon and perſons, lawfully claiming, by, from, or under him, ſhall and will warrant, and for ever more defend by theſe preſents. And the ſaid *William* Lord *Howard*, and his Heirs, the ſaid Capital Meſſuage or Manſion-houſe called *Howard Houſe*, or the *Charter-Houſe*, and all and ſingular other the before mentioned premiſes, and every part and parcel thereof with the Appurtenances, unto the ſaid *Thomas Sutton* his Heirs and Aſſigns for ever, in manner and form aforeſaid, againſt him the ſaid *William* Lord *Howard*, and

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his Heirs, and all and every other perſon and perſons, lawfully claiming, by, from, or under him, ſhall and will warrant, and for ever defend by theſe preſents. In witneſſe whereof, the parties above named to theſe preſent Indentures interchangealy have ſet their Hands and Seals, the day and year above written, 1611, as by the ſame Indenture, dated as before is ſaid appeareth. All and ſingular which premiſes, by the Indenture aforeſaid, in form aforeſaid Bargained, are known and vulgarly called, and at the time of the Bargain aforeſaid, were known by the name of the late diſſolved *Charter Houſe* beſides *Smith field*. By colour of which Bargain, Sale, and Inrollment aforeſaid, As alſo by force of a certain Act in Parliament of the Lord *Henry*, late King of *England* the 8th. at *Weſtminſter* aforeſaid, the 4th. day of *February*, in the year of his Reign the 27th. Of transferring uſes in poſſeſſion, to be holden, made, and provided, The ſame *Thomas Sutton*, in all and ſingular the bargained premiſes, called the late diſſoved *Charter-Houſe* beſides *Smith field*, with the Appurtenances, whereof, *&c.* entred and was thereof ſeiſed in his Demeſn as of Fee, And ſo thereof being ſeized, The Lord *JAMES*, now King of *England*, the 22th. day of *June*, in the yeer of the Reign of the ſaid Lord the King now of *England*, *&c.* the 9th. aboveſaid, at *Weſtminſter* aforeſaid, made his Letters Patents, ſealed with his Great Seal of *England*, and to the Jurors aforeſaid ſhewed in Evidence, The Tenor of which followeth in theſe words. *JAMES* by the Grace of God, King of *England*, *Scotland*, *France* and *Ireland* Defender of the Faith, *&c.* To All to whom theſe preſents ſhall come Greeting. Whereas, At the laſt Seſſion of Parliament laſt paſt, One Act was made and paſſed, Entituled an Act to confirm and enable the Erection and Eſtabliſhment of and Hoſpital, a Free Grammar-ſchool, and ſundry other godly and charitable Acts, done, and intended to be done and performed, by *Thomas Sutton Eſquire*, as by the ſame Act of Parliament more at large it doth and may appear. And whereas ſince the ſaid Act, The ſaid *Thomas Sutton* hath purchaſed, to him as his Heirs, of our Right Truſty, and Well-Beloved Coſin and Counſellor *Thomas* Earl of *Suffolk*, Lord Chamberlain of our Houſhold, A great and large Manſion-houſe, commonly called the late diſſolved *Charter-houſe* beſides *Smith field*, together with divers Houſes, Buildings, Courts, Yards, Gardens, Orchards, Cloſes, and other Hereditaments, to or with the ſame Manſion-houſe, uſed, or enjoyed, or reputed as part, parcel, member, or belonging thereunto, within our County of *Middleſex*; Which Manſion houſe, and other the premiſes, the ſaid *Thomas Sutton*, doth conceive to be a more fit and commodious Houſe and Place, to place, erect, and found the ſaid Hoſpital and Free-ſchool, and other the godly and charitable uſes aforeſaid, then in *Hallingbury*, otherwiſe *Hallinbury Bowchers*, in the ſaid Act mentioned, And to that end, the ſaid *Thomas Sutton* hath been an humble Suter unto us, That we would be graciouſly pleaſed to give Licenſe, Power, and Authority, unto him the ſaid *Thomas Sutton*, to found, erect, and eſtabliſh, an Hoſpital and Free ſchool, & other the godly and charitable uſes by him intended, in the ſaid Houſe called the late diſſolved *Charter-Houſe* beſides *Smith field*, in our ſaid County of *Middleſex*, And to incorporate the Governours hereafter named, to be a Body Corporate and Politick, and to have perpetual ſucceſſion for ever, in fact, deed, or name, And by ſuch name of Incorporation as is hereafter mentioned, to have full authority, and lawful capacity and ability, to purchaſe, take, hold, receive, and have, to them and their Suc-

ſeſſors for ever, Manors, Lands, Tenements, Rents, Annuities, Penſions, Hereditaments, Goods and Chattels, as well of us, our Heirs and Succeſſors, as of any other perſon or perſons whatſoever, for the better maintainance of the ſaid Hoſpital, Free-ſchool, and other godly and charitable uſes aforeſaid. Know ye therefore, That we graciouſly affecting ſo good and charitable a work, of our princely diſpoſition, and care for the furtherance thereof, and of our ſpecial Grace, certain Knowledge, and meer Motion, Have given, granted, and confirmed, and by theſe preſents do give, grant, and confirm, for us, our Heirs and Succeſſors, unto the ſaid *Thomas Sutton*, his Heirs, Executors, Adminiſtrators, and Aſſigns, and to every of them, full Power, Licenſe, and lawful Authority, at all times hereafter, at his, and their Will and Pleaſure, to place, erect, found, and eſtabliſh, at or in the ſaid Houſe called the late diſſolved *Charter Houſe* beſides *Smith field*, and other the premiſes within our ſaid County of *Midaleſex*, One Hoſpital-Houſe, or place of abiding, for the finding, ſuſtentation, and relief of poor, aged, maimed, needy, and impotent people, As alſo, that the ſaid *Thomas Sutton*, during his life, and after his death, the Governours hereafter named, and their Succeſſors, and the Survivors or Survivor, of them, his, and their Succeſſors for ever, And the Governours hereof for the time being, and their Succeſſors, ſhall have full Power, Licenſe, and lawful Authority, at his or their Wills and Pleaſures, reſpectively from time to time, and at all times hereafter, to place therein ſuch Maſter, or Head of the ſaid Hoſpital, and numbers of poor people, Men and Children, and ſuch other Members and Officers of the ſaid Hoſpital, as to him the ſaid *Thomas Sutton* during his life, and after his death to the ſaid Governours and their Succeſſors, and to the Survivors or Survivor of them, and to his and their Succeſſors, and to the Governours thereof for the time being, and their Succeſſors, ſhall ſeem convenient. And further, we of our ſpecial Grace, certain Knowledge, and meer Motion, Have given, granted, and confirmed, and by theſe preſents do give, grant, and confirm, unto the ſaid *Thomas Sutton*, his Heirs, Executors, Adminiſtrators, and Aſſigns, and to every of them, at his, or their Wills and Pleaſures, full Power, Licenſe, and lawful Authority, at all times hereafter to place, erect, found, and eſtabliſh, at or in the ſaid Houſe, called the late diſſolved *Charter-Houſe* beſides *Smith field*, and other the premiſes in our County of *Middleſex*, One Free-ſchool, for the inſtructing, teaching, maintainance, and education of poor Children or Scholars, And that the ſaid *Thomas Sutton*, during his life, and after his deceaſe, the Governours hereafter named and their Succeſſors, and the Survivors and Survivor of them, and his, and their Succeſſors for ever, and the Governours of the ſaid Hoſpital, for the time being and their Succeſſors, ſhall have full Power, Licenſe, and lawful Authority, at his or their Wills and Pleaſures, from time to time, and at all times hereafter, to place therein ſuch number of poor Children or Scholars, as to him the ſaid *Thomas Sutton* during his life, and after his deceaſe, to the ſaid Governours and their ſucceſſors, and to the Survivors or Survivor of them, and his and their Succeſſors, and to the Governours of the ſaid Hoſpital for the time being, and their Succeſſors ſhall ſeem convenient. And alſo one godly and learned Preacher, to teach and preach the Word of God to all the ſaid perſons, poor People, and Children, As alſo one learned, able, and ſufficient perſon to be the School-Maſter of the ſaid School, and one learned, able, and ſufficient perſon to be the Uſher thereof, to teach and inſtruct the ſaid Children

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in Grammar. And further, we of our ſaid ſpecial Grace, certain Knowledge, & meer Motion, have ordained, conſtituted, aſſigned, limitted & appointed, and by theſe preſents for us, our Heirs and Succeſſors, do ordain, conſtitute, aſſign, limit and appoint, That the ſaid Houſe and other the premiſes, ſhall from henceforth for ever hereafter, be, remain, continue, and be converted, imployed, and uſed for an Hoſpital, and Houſe and Place, for the abiding, ſuſtentation, and relief of ſuch number of poor People, Men and Children, as the ſaid *Thomas Sutton* during his life, and after his death, the Governours hereafter named and their Succeſſors, and the Survivors and Survivor of them, and his and their Succeſſors, and all and every the Governours of the ſaid Hoſpital for the time being, and their Succeſſors, ſhall name, aſſign, limit, or appoint to be lodged, harbored, abide, and to be maintained and relieved there, and for the abiding, dwelling, ſuſtentation, and relief of ſuch number of poor Children, as the ſaid *Thomas Sutton* during his life, and after his death the Governours hereafter named and their Succeſſors, and the Survivors and Survivor of them, and his and their Succeſſors, and the Governours of the ſaid Hoſpital for the time being, ſhall from time to time name, aſſign, limit or appoint, to be lodged, harbored, abide, and to be maintained and relieved there, And for the abiding, dwelling, ſuſtentation, and finding of one School-Maſter, one Uſher, and one Preacher as is aforeſaid, and of one Maſter or Head of the ſaid Houſe and Hoſpital. And that it ſhall and may be lawful, to and for the ſaid Maſter, Preacher, School-Maſter, Uſher, poor people, Children, Men, and Officers of the ſaid Hoſpital, or therein to be placed for the time being, to aſſemble, be, remain, abide, and cohabit together in the ſaid Hoſpital; And that the ſaid Hoſpital ſhall for ever hereafter be incorporated, named and called, the Hoſpital of King *JAMES*, founded in the *Charter-Houſe* within the County of *Middleſex*, At the humble Petition, and onely coſts and charges of *Thomas Sutton Eſq.* And the ſame Hoſpital and Free-ſchool, by the name of the Hoſpital of King *JAMES*, founded in the *Charter-Houſe* within the County of *Middleſex*, At the humble Petition, and onely coſts and charges of *Thomas Sutton Eſq.* We do firmly by theſe preſents, for us, our Heirs and Succeſſors, erect, found, eſtabliſh, and confirm, to have continuance for ever. And for the better maintainance and continuance of the ſaid Hoſpital and Free-ſchool, and the ſaid godly and charitable uſes, intents and purpoſes, and that the ſame may have and take the better effect, and that all and every the Manors, Lands, Tenements, and Rents, Reverſions, Services and Hereditaments, Goods and Chattels, granted, conveied, aſſigned, deviſed, willed, limitted and appointed, for the maintainance, ſuſtentation, and relief of the perſons aforeſaid, in the ſame Hoſpital may be the better governed, uſed, imployed, and beſtowed for the mantainance of the perſons in the ſaid Hoſpital for the time being, to have continuance for ever; We Will, Ordain, and do appoint, aſſign, limit and name, and for us, our Heirs and Succeſſors, do grant and ordain by theſe preſents, That there ſhall be for ever hereafter 16. perſons, who ſhall be called Governours of the Lands, Poſſeſſions, Revenews, and Goods of the Hoſpital of King *JAMES*, founded in the *Charter-Houſe* within the County of *Middleſex*, At the humble Petition, and onely coſts and charges of *Thomas Sutton Eſquire*, And for that purpoſe we have elected, nominated, ordained, aſſigned, conſtituted, limitted and appointed, and by theſe preſents do for us, our Heirs and Succeſſors, elect, nominate, ordain, aſſign, conſtitute and appoint, The Right

Reverend Father in God, *George* now Arch Biſhop of *Canterbury*, our truſty and Well-Beloved Counſellor, *Thomas* Lord *Elleſmere* Lord Chancellor of *England*, our truſty and Well-Beloved Coſin and Counſellor, *Robert* Earl of *Salisbury*, Lord High Treaſurer of *England*, *John* the elect Biſhop of *London*, *Launcelot* now Biſhop of *Elie*, Sir *Edward Coke Knight*, Chief Juſtice of the *Common-Pleas*, *Thomas Foſter Knight*, one of our Juſtices of our Court of *Common-Pleas*, Sir *Henry Hobart Knight* and *Baronet* our Attorny General, *John Overal*, now Dean of the Cathedral Church of *Saint Paul* in *London*, *George Mountain*, Dean of the Collegiate Church of *Weſtminſter*, *Henry Thurſby Eſquire*, one of the Maſters of our Court of *Chancery*, *Jeffery Nightingale Eſquire*, *Richard Sutton Eſquire*, *John Law Gentleman*, *Thomas Brown Gentleman*, and the Maſter of the Hoſpital of King *JAMES*, founded in the *Charter Houſe*, within the County of *Middleſex*, At the humble Petition, and onely coſts and charges of the ſaid *Thomas Sutton Eſquire*, and ſuch perſon and perſons as ſhall be from time to time Maſter or Maſters of the ſaid Hoſpital, for and during ſuch time as they ſhall be Maſter or Maſters thereof, to be the firſt and preſent Governours of the Lands, Poſſeſſions, Revenews, and Goods of the Hoſpital of King *JAMES*, founded in the *Charter-Houſe*, within the County of *Middleſex*, At the humble Petition, and onely coſts and charges of *Thomas Sutton Eſquire*, and that they, and the Survivors of them, and ſuch as the Survivors or Survivor of them, from time to time, Elect, and Chuſe to make up the number of 16. when, and as often as any of them, or any of their Succeſſors ſhall happen to deceaſe, or to be removed from being Governours or Governour thereof, ſhall be incorporated, and have a perpetual ſucceſſion for ever, in Deed, Fact, and Name, and ſhall be one Body Politick and Corporate; And that the ſaid perſons and their Succeſſors, and the Survivors and Survivor of them, and his and their Succeſſors, and ſuch as ſhall be elected, and choſen to ſucceed them as aforeſaid ſhall be incorporated, named, and called, by the name of the Governours of the Lands, Poſſeſſions, Revenews, and Goods of the Hoſpital of King *JAMES*, founded in the *Charter-Houſe*, within the County of *Middleſex*, At the humble Petition, and onely coſts and charges of *Thomas Sutton Eſquire*, And them by the name of Governours of the Lands, Poſſeſſions, Revenews, and Goods of the Hoſpital of King *JAMES*, founded in the *Charter-Houſe*, within the County of *Middleſex*, At the humble Petition, and onely coſts and charges of *Thomas Sutton Eſquire*, One Body Corporate and Politick, by that name to have perpetual ſucceſſion for ever to endure; We do by theſe preſents, for us, our Heirs and Succeſſors, really and fully incorporate, make, erect, ordain, name, conſtitute, and eſtabliſh; And that by the ſame name of the Governours of the Lands, Poſſeſſions, Revenews, and Goods of the Hoſpital of King *JAMES*, founded in the *Charter-Houſe*, within the County of *Middleſex*, at the humble Petition, and onely coſts and charges of *Thomas Sutton Eſquire*, they, and their Succeſſors, and the Survivors and Survivor of them, and his and their Succeſſors, & the perſons to be elected and choſen as aforeſaid, ſhall for ever hereafter be incoporated, named & called, and ſhall by the ſame name have perpetual ſucceſſion for ever, And that they by the ſame name be, and ſhall be, and continue perſons able and capable in the Law from time to time, and ſhall by that name of Incorporation, have full Power, Authority, and lawful capacity and ability, to purchaſe, take, hold, receive, enjoy, and have to them and their Succeſſors for ever, as well Goods and Chattels, as Manors,

nors, Lands, Tenemẽts, Rents, Reverſions, Annuities, & Hereditamẽts whatſoever, as well of us, our Heirs & Succeſſors, as of the ſaid *Th. Sutton*, his Heirs, Executors, or Aſſigns, or any other perſon or perſons whatſoever; And alſo that the ſaid Governours for the time being, and their ſucceſſors, ſhall have full power, and Lawfull authority, by the aforeſaid name of Governours of the Lands, Poſſeſſions, Revenues, and Goods of the Hoſpital of King *James*, founded in *Charterhouſe*, within the County of *Middleſex*, at the humble Petition, and only Coſts and Charges, of *Thomas Sutton* Eſquire, to ſue, and be ſued, implead, and to be impleaded, to anſwer, and to be anſwered unto, in all manner of Courts and Places that now are, or hereafter ſhall be, within this our Realm, or elſewhere, aſwell Temporal, as Spiritual, in all manner of Sutes whatſoever, and of what nature and kind ſoever, ſuch Sutes or Actions be, or ſhall be, in the ſame and as ample manner and form, and to all intents, conſtructions, and purpoſes, as any other perſon, or perſons, Bodies politick, or corporate, of this our Realm being perſons able in Law may do. And furthermore We will, and grant, by theſe preſents, for us, our Heirs, and Succeſſors, unto the ſaid Governours for the time being, and their ſucceſſors, that they and their ſucceſſors, ſhall have and enjoy for ever a Common Seal wherein ſhall be engraven the name and Arms of the ſaid *Thomas Sutton*, whereby the ſaid Corporation ſhall or may Seal any manner of Inſtrument touching the ſame Corporation, and the Manors, Lands, and Tenements, Rents, Revenues, Annuities, and Hereditaments, Goods, Chattels, and other things, thereunto belonging, or in any wiſe touching or concerning the ſame: Nevertheleſs, it is our intent and meaning, that the Governours, for the time being, and their ſucceſſors, nor any of them ſhall do, or ſuffer to be done at any time hereafter, any Act, or thing whereby, or by means whereof, any of the Manors, Lands, Tenements, Rents, Reverſions, Annuities, or Hereditaments of the ſaid Corporation, or any Eſtate, Intereſt, Poſſeſſion, or Property, of, or in the ſame, or of any of them, ſhall be conveyed, Veſted, or Transferred, in or to any other whatſoever contrary to the true meaning hereof, only than by ſuch ſenſes as are hereafter mentioned, and that in ſuch manner and form as is hereafter expreſſed, and not otherwiſe. And that ſuch conſtruction ſhall be made upon this Foundation and Incorporation, as ſhall be moſt beneficial and availeable for the maintenance of the Poor, and for the repreſſing and of all Acts and deviſes to be mentioned or put in Ure, contrary to the true meaning of the preſents: And therefore our will and plaſure is, and ſo for us, our Heirs, and ſucceſſors, we do ordayn, that the ſaid Governours for the time being, or their ſucceſſors, or any of them, ſhall not make any Leaſe, Grant, Conveyance, or eſtate of any the Manors, Lands, Tenements, or Hereditaments, which ſhall exceed the number of 21. yeers, and that either in poſſeſſion, or not above two yeers before the end or expiration, or determination of the eſtate or eſtates in poſſeſſion, whereupon the accuſtomable yeerly rent, or more by the greater part of five yeers, next before the making of any ſuch Leaſe reſerved, due, and payable, ſhall be reſerved and yeerly payable during the continuance of every ſuch Leaſe; And alſo we do ordayn, grant, and appoint by theſe preſents, for us, our Heirs, and ſucceſſors, that ſo often, and whenſoever any one or more of the ſaid Commiſſioners for the time being, or any other Governour or Commiſſionor that ſhall be choſen hereafter, ſhall fortune to depart his life, or to be re-

removed from his or their place, of Governour or Governours, that then and ſo often the reſidue of the ſaid Governour or Governours, and their ſucceſſors, ſhall be, continue and remain incorporate, by the name of the Governours of the Lands, Poſſeſſions, Revenues, and Goods of the Hoſpital of King *James*, founded in *Charter Houſe*, within the County of *Middleſex*, at the humble petition and only coſts and charges, of *Thomas Sutton* Eſquire, to all intents, conſtructions, and purpoſes, according to to the true meaning of theſe preſents, as if all the ſaid Governeur and Governours, had continued, and that then and ſo often, it ſhall be Lawfull for the reſt of the Governours, or the greateſt number of them, to elect, nominate, chuſe and appoint, one or more meet perſon or perſons, according to the true intent and meaning of theſe preſents, into the Room and place, or Room and Places, of every ſuch Governour or Governours, which ſhall ſo depart this life, or be removed, which perſon and perſons, ſo nominated, elected, choſen, and agreed uppon, by the ſaid Governours or the greater number of them, ſhall be, and ſhall be taken and reputed, to be from the time of his and their election, to be from thenceforth together with the others Governours of the ſaid Hoſpital. And after this manner to proceed, whenſoever and as often as need ſhall require. And the ſame election to be made within two Moneths, that any of the ſaid Governour or Governours ſhall depart this Life, or be removed, and that the aforeſaid *Thomas Sutton* during his life, and after his deceaſe the ſaid Governours for the time being, or the more part of them, ſhall have full power and authority, to nominate aſſigne, appoint, and ſhall and may name, aſſign, and appoint, when, and as often as he and they ſhall think good, ſuch number and numbers, of perſon and perſons, as he and they ſhall think convenient, to be Poor men, Children, and Scholars, Maſter, Preacher, School-Maſter, Uſher, Members, Officer, & Officers, of, or for the ſaid Hoſpital, as he the ſaid *Thomas Sutton*, during his life, and after his deceaſe, the Governours for the time being, and their ſucceſſors, or the more part of them, ſhall think meet and convenient, nevertheleſs, if the Rents, Reverſions or Profits, of all or any of the Manors, Lands, Tenements, and Hereditataments, Goods, or Chattels, at any time to be granted and conveyed, to the ſaid Governours of the ſaid Hoſpital, and their ſucceſſors, for the maintenance of the people in the ſaid Hoſpital, ſhall happen to increaſe, or to be raiſed, or augmented to a better or greater yeerly valew, theu formerly the ſame was, or that the Rents, Revenues, and Poſſeſſions of the ſaid Hoſpital, ſhall be further increaſed by the determination of any former eſtates in any of the ſaid poſſeſſions of the ſaid Hoſpital otherwiſe, that all and every ſuch increaſe ſhall be imployed to the mayntenance of more and other poor people to be placed in the ſaid Hoſpital, or to the further augmentation of the allowances of thoſe perſons that for the time being, ſhall be in the ſaid Hoſpital according, to the true Intent, and meaning of theſe preſents, and ſhall not be converted or imployed to an private uſe. And alſo we do by the preſents, for us our Heirs and ſucceſſors will grant, and ordayn, that when ſoever and as often as any of the ſaid places or Rooms, of any of the ſaid Maſter, Preacher, School-maſter, or Uſher, Poor men, or Children, Scholars, Members, or Officers, or any of them ſhall happen to become void by Death, Reſignation, Deprivation, or otherwiſe, that then and ſo often it ſhall and may be Lawfull for the ſaid *Thomas Sutton* during his life, and after his death, for the ſaid Governours for the time

time being, and their ſucceſſors, or the moſt part of them, within one Month after ſuch avoydance, by writing under the Seal of the ſaid *Thomas Sutton*, during his life, and after his death, by the ſaid Governours for the time being, and their ſucceſſors, under their Common Seal, to nominate & appoint other meet perſon and perſons, in the Rooms, place and places, of them and every of them ſo deceaſing, reſigning or otherwiſe becoming void, and if in caſe the ſaid Governours and their ſucceſſors, for the time being, or the moſt part of them, ſhall not within two Months after ſuch avoidance, nominate, aſſigne, and appoint, as is aforeſaid; that then and ſo often, and in every ſuch caſe, from and after the death of the ſaid *Thomas Sutton*, it ſhall be Lawfull for us, our Heirs and ſucceſſors, by Letters Patents, under the Great Seal of *England*, or Privy Seal, to nominate and appoint, meet Perſon, and Perſons, to all and every ſuch Office, Rooms, Place, and Places as ſhall remain void for the time aforeſaid, by the default of the ſaid Governours and their ſucceſſors, as is aforeſaid. And we do further of our ſpecial grace, certain knowlege, and meer motion, for us, our Heirs, and ſucceſſors, give and graunt, that the ſaid Maſter, Preacher, School-Maſter, Uſher, Poor Men, Children, Scholars, Members, and Officers of the ſaid Hoſpital, and every of them ſhall be allowed, ordered, directed, viſited, placed, or diſplaced, by the ſaid *Thomas Sutton* during his life, and after his death by the ſaid Governours, and their ſucceſſors, and the moſt part of them, according to ſuch allowances, Rates, Statutes, and Ordinances as ſhall be appointed, ſet forth, made, deviſed, or eſtabliſhed, by the ſaid *Thomas Sutton* during his life in writing under his hand and Seal, and after his death, by the Governours for the time being, and their ſucceſſors, or the more part of them under the ſaid Common Seal: And further we have given and granted, and by theſe preſents do give and grant to the ſaid *Thomas Sutton*, during his life, by writing under his hand and Seal, and to the ſaid Governours, and their ſucceſſors, for the time being, or the more pare of them after his deceaſe, under the ſaid Common Seal, to make, ſet down, and appoint, ſuch Rates, Statutes, and Ordinances, for the Rule, Government, and well ordering of the ſaid Hoſpital, and of the Maſter, Preacher, School-Maſter, Uſher, Poor People, Children, Scholars, Members and Officers, for the time being, and for their and every of their Wages, Stipends, and allowances, for and towards their or any of their Mayntenance and Relief, as to the ſaid *Thomas Sutton* during his life, and after his deceaſe to the ſaid Governours and their ſucceſſors, for the time being, or the more part of them, ſhall ſeem meet and convenient. And that the ſame Orders, Rates, Statutes and Ordinances, ſo by him, them, or any of them, to be made, ſet down, and preſcribed, as aforeſaid, ſhall be and ſtand in force, and ſtrength in Law, to all conſtructions, intents, and purpoſes, the ſame not being repugnant to our Prerogative Royal, nor contrary to the Laws and Statutes of this Realm of *England*, nor unto any Eccleſiaſtical Canons or Conſtitutions of the Church of *England*, which then ſhall be in force. And that for the better Government of the ſaid Hoſpital, the ſaid *Thomas Sutton* during his life, and after his deceaſe, the ſaid Governours, for the time being, or the moſt part of them, or ſuch and ſo many of them as the ſaid *Thomas Sutton* ſhall by his writing under his hand and Seal thereunto aſſign, appoint and nominate, ſhall and may, after the deceaſe of the ſaid *Thomas Sutton*, have full power and Lawfull authority to viſit, order, and puniſh, place or diſplace the

Maſter, Preacher, School-Maſter, Uſher, Poor People, Sholars, Members, and Officers of the ſaid Hoſpital, and every of them, and to order, reform and redreſs all and every the diſorders, miſdemeanours, offences, and abuſes, in the perſons aforeſaid, and every of them, or in the ſaid Hoſpital or Free-School, or in or touching the Government, Order, and diſpoſal of the ſame. And to cenſure, ſuſpend, deprive, and diſplace the ſaid Maſter, Preacher, School-Maſter, Uſher, Poor People, Scholars, Members, and Officers, and all and every or any of them, as to him the ſaid *Thomas Sutton* during his life, and after his death, to the ſaid Governours for the time being, and their ſucceſſors, or the more part of them, or to ſuch and ſo many of them as the ſaid *Thomas Sutton*, by his writing under his hand and Seal, ſhall thereunto aſſigne, nominate and appoint, as ſhall to him or them reſpectively ſeem fit, juſt, and convenient, ſo allwaies, that no viſitation, act, or thing, in or touching the ſame, be had, made or done, by any perſon or perſons, during the life of the ſaid *Thomas Sutton*, other than by the ſaid *Thomas Sutton*, and after his death by the ſaid Governors for the time being, and their ſucceſſors, or the more part of them, or by ſuch or ſo many of them, as the ſaid *Thomas Sutton*, by his writing, under his hand and Seal, ſhall nominate and appoint thereunto. And we of our further ſpecial grace, certain knowlege and meer motion, and by our ſupream power and authority, for us, our Heirs, and Succeſſors, do will, ordayn and graunt, that the ſaid Hoſpital, and the Maſter, Preacher, School-Maſter, Uſher, Members and Officers, and all other the perſons to be placed in the ſaid Hoſpital, ſhall for ever hereafter be excepted and freed of and from all viſitation, puniſhment, and correction to be had, uſed, or exerciſed, in or upon them, or any of them, by the ordinary of the Dioceſs for the time being, or by any other perſon or perſons whatſoever, other than by the ſaid *Thomas Sutton* during his life, and after his deceaſe by the ſaid Governours for the time being, and their ſucceſſors. And further know ye, that we for the conſiderations aforeſaid, of our ſpecial grace, certain knowlege, and meer motion, have given and granted, and by theſe preſents do give and grant to the ſaid Governours of the Lands, poſſeſſions and Goods of the Hoſpital of King *James*, founded in *Charterhouſe*, within the County of *Middleſex*, at the humble petition and only coſts and charges, of *Thomas Sutton Eſquire*, and their ſucceſſors for ever, our ſpecial Licenſe and free and Lawfull liberty, power, and authority, to get, purchaſe, receive, and take to them and their ſucceſſors for ever, for the maintainance ſuſtentation, and reliefe of all and every the perſon and perſons to be placed in the ſaid Hoſpital, of, and from the ſaid *Thomas Sutton*, his Heirs and aſſigns, the ſaid great and large Manſion Houſe, commonly called *Charterhouſe* beſides *Smithfield*, together with all the Houſes, Buildings, Courts, Yards, Gardens, and other Hereditaments lately purchaſed by the ſaid *Thomas Sutton*, of the ſaid *Thomas* Earl of *Suffolk*; and all thoſe his Manors, and Lordſhips of *Southminſter*, *Norton*, little *Hallingbury*, otherwiſe *Hallingbury Bowchers*, and *Much Stambridge* in the County of *Eſſex*, with all their, and every of their Rights, Members, and Appurtenances whatſoever: And alſo all thoſe Manors, and Lordſhips of *Baſlingthorp* and *Dunneſby* in the County of *Lincoln*, with their and every of their Rights, Members, and Appurtenances whatſoever. And alſo of all thoſe his Manors of *Salthorpe* otherwiſe *Saltrop*, otherwiſe *Halthrope*, *Chilton*, and *Black-grove*, in the Conn-ty of *Wilts*, with their and every of their Rights, Members, and Appurtenances

nances. And alſo all thoſe his Lands, and Paſture grounds called *Black-grove*, conteining by eſtimation 200. Acres of Paſture with the Appurtenances in *Black-grove*, and *Wroughton*, in the ſaid County of *Wilts*. And alſo all that his Manor of *Miſſenden*, otherwiſe called the Manors of *Miſſenden*, in the Pariſhes of *Wroughton*, *Lydyard*, and *Tregoce*, in the ſaid County of *Wilts*, with all his Rights, Members, and Appurtenances, And all that his Manor of *Elcombe*, and the Park called *Elcombe* Park, with the Rights, Members and Appurtenances, in the ſaid County of *Wilts*. And all that his Manor of *Wit-leſcot*, otherwiſe *Wiggleſcot*, otherwiſe *Wigleſcete*, with the Appurtenances in the County of *Wilts*. And alſo all that his Manor of *Weſcote*, with the Appurtenances in the ſaid County of *Wilts*. And alſo all thoſe his Lands, and Paſtures, contayning by eſtimation, 100. Acres of Land, and 60. Acres of Paſture with the Appurtenances in *Wigliſcot* and *Wronghton*, in the ſaid County of *Wilts*. And all that his Manor of *Offcote* with the Appurtenances, in the ſaid County of *Wilts*. And alſo all thoſe his two Meſſuages, and 1000. Acres of Land, 2000. Acres of Paſture, 300. Acres of Meadow, and 300. Acres of Wood, with the Appurtenances in *Brodehinton*, in the ſaid County of *Wilts*. And alſo all thoſe the Manors and Lordſhips of *Campes*, otherwiſe *Campes*-Caſtle, otherwiſe called *Caſtle Campes*, with the Appurtenances, ſituate, lying, being, extending in the Counties of *Cambridge*, and *Eſſex*, or in either of them or elſe where within the Realm of *England*. And alſo all that his Manor of *Balſham* in the County of *Cambridge*, with all and ſingular the Rights, Members, and Appurtenances thereof whatſoever. And alſo all thoſe his Meſſuages & Lands, lying and being in the Pariſhes of *Hackney*, & *Tottenham*, in the County of *Middleſex*, or either of them, with their, and every of their Rights, Members, and Appurtenances, thereof whatſoever, which late Meſſuage, was lately purchaſed of Sir *William Cowper Knight*, and the ſaid Lands in *Tottenham*, are now, and late were in the Tenure or Occupation of *William Benning Yeoman*. And alſo all and ſingular the Manors, Lordſhips, Meſſuages, Lands, Tenements, Reverſions, Services, Meadows, Paſtures, Woods, Advowſons, Patronages of Churches, and Hereditaments, of the ſaid *Thomas Sutton* whatſoever, ſituate, lying and being, within the ſaid Counties of *Eſſex*, *Lincoln*, *Wilts*, *Cambridge*, and *Middleſex*, or in any of them, with all and every of their Rights, Members, and appurtenances whatſoever, or any ſuch and ſo many, and ſuch part of the ſaid Manors, Advowſons, Lands, Tenements, and Hereditaments, or any part thereof, as the ſaid *Thomas Sutton* ſhall ſeem meet. And alſo all Letters Patents, Indentures, Deeds, Evidences, Bonds, and Writings concerning the premiſes, or any of them, which ſhall be ſo given and granted by the ſaid *Thomas Sutton*, to the ſaid Governours and their Succeſſors. And all ſuch Commiſſions, Warrants, Vouchers, Actions, Sutes, Entries, Benefits, and Demands, as ſhall and may be had, by any perſon or perſons, upon, or by reaſon of them, or any of them, except all his Manors or Lordſhips of *Littlebury*, & *Haddeſtock*, wth. the Appurt. in the County of *Eſſex* aforeſaid, or in either of them, though the premiſes or any of them, be holden of us immediately in Chief, or by Knights ſervice, or otherwiſe howſoever, And without Licenſe or Pardon for Alienation of them, or any of them, the Statute of Mortmain, or any other Act, Statute, Ordinance, or Proviſion to the contrary notwithſtanding. And alſo we do give and grant, like Licenſe, Power and Authority to the ſaid *Thomas Sut-*

ton his Heirs and Aſſigns, to give, grant, and aſſure unto the ſaid Governours and their Succeſſors, for the uſes, intents and purpoſes aforeſaid, And all and every the ſaid great & large Manſion-Houſe, commonly called the *Charter-Houſe*, beſides *Smithfield*, together with the Houſes, Buildings, Courts, Yards, Gardens, Orchards, Cloſes, and other Hereditaments lately purchaſed of the ſaid *Thomas* Earl of *Suffolk*, all thoſe his Manors and Lordſhips of *Southminſter*, *Norton*, *Little Hallingbury*, otherwiſe *Hallingbury Bowckers*, and *Much Stanbridge* in the ſaid County of *Eſſex*, with all their and every of their Rights, Members, and Appurtenances whatſoſoever. And alſo all thoſe his Manors and Lordſhips of *Buſtingthorp*, otherwiſe *Baſtingthorp* and *Dunnesby*, in the County of *Lincoln*, with their and every of their Rights, Members, and Appurtenances whatſoever. And all thoſe his Manors of *Salthorp*, otherwiſe *Saltrop*, otherwiſe *Hailthorp*, *Chilton*, and *Blackgrove*, in the County of *Wilts*, with their and every of their Rights, Members, and Appurtenances. And alſo all thoſe his Lands, and Paſture Grounds called *Blackgrove*, containing by eſtimation 200. Acres of Paſture, with their Appurtenances in *Blackgrove* and *Wroughton*, in the ſaid County of *Wilts*. And alſo all that his Manor of *Aiſenden*, otherwiſe called the Manor of *Miunden*, in the Pariſhes of *Wroughton*, *Lidyard*, and *Tregoſe* in the ſaid County of *Wilts*, with all his Rights, Members, and Appurtenances in the ſaid County of *Wilts*. And alſo all thoſe Manors of *Weſcote*, otherwiſe *Weſcote*, with the Appurtenances in the ſaid County of *Wilts*. And alſo all thoſe his Lands and Paſtures, containing by eſtimation 100. Acres of Land, and 60. Acres of Paſture, with the Appurtenances in *Wigleſcate* and *Wroughton*, in the ſaid County of *Wilts*. And all that his Manor of *Uffcote*, with the Appurtenances in the ſaid County of *Wilts*. And alſo all thoſe his two Meſſuages, 1000. Acres of Land, 2000. Acres of Paſture, 300. Acres of Meadow & 300. Acres of Wood, with the Appurtenances in *Broadhinton*, in the ſaid County of *Wilts*. And all thoſe his Manors & Lordſhips of *Campes*, otherwiſe *Camps Caſtle*, otherwiſe called *Caſtle Camps*, with the Appurtenances ſituate, lying and being, and extending into the Counties of *Cambridge* and *Eſſex*, or in either of them, or elſewhere, within the Realm of *England*. And alſo all that his Manor of *Balſham*, in the County of *Cambridge*, and all & ſingular the Rights, Members, & Appurtenances thereof, whatſoever. And alſo all thoſe his Meſſuages and Lands, ſituate, lying and being in the Pariſhes of *Hackney*, and *Tottenham*, in the County of *Middleſex*, or in either of them, with their, and either of their Rights, Members, and Appurtenances whatſoever, which ſaid Meſſuage, was lately purchaſed of Sir *William Bowyer* Knight, and the Lands in *Tottenham* now are, or late were, in the Tenure or Occupation of *William Benning Yeoman*. And alſo all & ſingular the Manors, Lordſhips, Meſſuages, Lands, Tenements, Reverſions, and Services, Meadows, Paſtures, Woods, Advowſons, Patronages of Churches, and Hereditaments of the ſaid *Thomas Sutton*, whereſoever, ſituate, lying and being within the ſaid County of *Eſſex*, *Lincoln*, *Wilts*, *Cambridge*, and *Middleſex*, or any of them, with all and every their Rights, Members, and Appurtenances whatſoever, or and ſuch, and ſo many, and ſuch part of the ſaid Manors, Advowſons, Tenements and Hereditaments, or of any part thereof, as the ſaid *Thomas Sutton* ſhall think meet. And alſo all Letters Patents, Indentures, Deeds, Evidences Bonds and Writings, concerning the premiſes, or any of them, which ſhall be ſo given and granted by the ſaid *Thomas Sutton*, to the ſaid Governours and their

their Succeſſors, and all ſuch Conditions, Warrants, Vouchers, Actions, Sutes, Entries, Benefits and demands, as ſhall be, or may be had by any perſon or perſons, or by reaſon of them, or any of them, (except all his Manor and Lordſhip of *Littelbury*, and *Haddeſtock*, with the Appurtenances in the ſaid County of *Eſſex* aforeſaid) or in either of them, though the premiſes or any of them be holden of us immediately in Chief, or by Knights ſervice, or otherwiſe howſoever, and without any licenſe or pardon for Alienation of them or any of them, the Statute of Mortmain, or any other Act, Statute, Ordinance, or Proviſion whatſoever to the contrary notwithſtanding. And our further Will and Pleaſure is, And we do by theſe preſents, for us, our Heirs and Succeſſors, ordain, and ſtrictly charge and command, That whatſoever, and as often as any of the Churches, Parſonages, Viccarages, Chapels, or other ſpiritual livings, the Advowſons, Patronages, and Donations, whereof are hereby meant, or mentioned to be licenſed, to be given by the ſaid *Thomas Sutton*, to the ſaid Governours and their Succeſſors, for and towards the maintainance of the ſaid godly and charitable uſe ſhall happen to become void, or preſentative, or preſentable, or to be given, or collated unto, by the Death, Reſignation, or Deprivation of any Incumbent or Incumbents of them, or any of them or by any other means howſoever, That then and ſo often the ſaid Governours for the time being or their Succeſſors, or the greater part of them or the time being, ſhall preſent, prefer, and collate thereunto, ſuch meet and ſufficient perſons, as they ſhall think fit. Nevertheleſs, our full meaning and direction is in this, and ſo we do by theſe preſents, for us, our Heirs and ſucceſſors, ordayn and declare, that ſuch and ſo many of the Scholars which ſhall from time, be brought up, and taught in the ſaid Hoſpital, and every of them, as ſhall after be fully qualified and become meet, to take upon them, or any them, the charge of the ſaid Churches, Parſonages, Viccarages, Chapels, or other ſpiritual livings aforeſaid, ſhall as near as may be, from time time, be by the ſaid Governours and their Succeſſors, preſented, preferred, and collated thereunto, before any other perſon or perſons whatſoever, avoiding as much as may be the giving of more Benefices than one, to any one Incumbent; And to the end, that all ſupition of indirect dealing, which might hereafter be uſed, or put in practi e by the aforeſaid Governours or their Succeſſors, or any of them, contrary to the true intent and meaning of theſe preſents, may be prevented and taken away; Our Will and Pleaſure is, And we do by theſe preſents, for us, our Heirs and Succeſſors, ordain, and ſtreightly command and charge, That the Manors, Lands, Tenements, and Hereditaments, and other the premiſes which at any time hereafter ſhall be given, granted, or conveied for the maintainance of the ſaid godly and charitable uſes, before in theſe preſents mentioned, in or any part or parcel of them, or of any of them, ſhall at any time hereafter be leaſed, demiſed, granted or conveied, to them the ſaid Governours or their Succeſſors, or to any of them, or to any other perſon or perſons whatſoever, for or to the uſe, benefit, and behoof of the ſaid Governours or of their Succeſſors, or any of them, although expreſſe mention of the clear yeerly value, and certainty of the premiſes or of any of them, or of any other gifts or grants, by us or any of our Progenitors or Predeceſſors, to the ſaid *Thomas Sutton* heretofore made is not made, or any Statute, Act, Ordinance, Proviſion, Proclamation, or Reſtraint to the contrary notwithſtanding. In Witneſſe

whereof we have cauſed theſe our Letters to be made Patents; Witneſſe our ſelf at *Weſtminſter*, the 22th. day of *June*, in the 9th. yeer of our Reign of *England*, *France* and *Ireland*, and of *Scotland* the 44th. as by the ſaid Letters Patents more fully appeareth. And further the ſaid Jurors ſay upon their Oath aforeſaid, That the ſaid *Thomas Smith*, of all and ſingular the premiſes aforeſaid with the Appurtenances, in form aforeſaid being ſeized, The ſaid *Thomas Sutton* afterwards, and before the aforeſaid time in which, &c. That is to ſay, the 30th. day of *October*, in the yeer of the Reign of the Lord *JAMES*, that now is of *England* the 9th. aboveſaid, made a certain Writing ſealed with his Seal, bearing date the ſame day and yeer, and to the Jurors aforeſaid ſhewed in Evidence, to one *John Hutton* Clerk, The Tenor of which Writing followeth in theſe words. To All to whom this preſent ſhall come, *Thomas Sutton* of *Ealſham*, in the County of *Cambridge* *Eſquire* ſendeth Greeting; Whereas it pleaſed the Kings moſt Excellent Majeſty that now is, by his Highneſſe Letters Patents, bearing date at *Weſtminſter* the 22th. day of *June*, in this preſent 9th. yeer of his Reign over *England*, upon the humble Sute of the ſaid *Thomas*, to give Licenſe, Power and Authority, to him the ſaid *Thomas Sutton*, to place, found, and erect an Hoſpital and Free-ſchool, in the Houſe called the late diſſolved *Charter-Houſe* beſides *Smith field*, in the County of *Middleſex*, And like Licenſe, Power and Authority, for him the ſaid *Thomas Sutton*, at any time during his life, to ordain, appoint, and place a Maſter of the ſaid Hoſpital, And that the ſaid Hoſpital ſhould be called by the name of the Hoſpital of King *JAMES*, founded in the *CharterHouſe*, within the County of *Middleſex*, at the humble Petition, and onely coſts and charges of *Thomas Sutton Eſq.* And where furthermore, by the ſaid Letters Patents, The Maſter of the ſaid Hoſpital, for the time being, is ordained, and appointed, to be one of the 16. Governours, of the Lands, Poſſeſſions, Revenews and Goods of the ſaid Hoſpital; And that the ſame 16. Governours, are by the ſaid Letters Patents, incorporate to purchaſe, and take Lands to them and their Succeſſors for ever, for the maintainance of the ſaid Hoſpital, by the name of the Governours of the Lands, Poſſeſſions, Revenews, and Goods of the Hoſpital of King *JAMES*, founded in the *Charter-Houſe*, within the County of *Middleſex*, at the humble Petition, and the onely coſts and charges of *Thomas Sutton Eſquire*, as by the ſaid Letters Patents (amongſt other things) more at large may appear; By reaſon whereof, there muſt be a Maſter made, before ſuch time as the ſaid *Thomas Sutton* can convey the Lands intended by the ſaid *Thomas Sutton* to be conveied for the mantainance of the ſaid Hoſpital unto the ſaid Governours, according to the ſaid Letters Patents; Now the ſaid *Thomas Sutton*, minding the performance of the ſaid charitable Act, hath according to the power given him by the ſaid Letters Patents, and by theſe preſents doth place, nominate, conſtitute and appoint, his Right truſty, and Well-Beloved *John Hutton* Clerk, the firſt and preſent Maſter of the ſaid Hoſpital of King *JAMES*, founded in the *Charter-Houſe*, within the County of *Middleſex*, at the humble Petition, and onely coſts and charges of *Thomas Sutton Eſquire*, To have, and to hold the ſaid Office, Room, and place of Maſter of the ſaid Hoſpital, to him the ſaid *John Hutton*, from henceforth during the good will and pleaſure of the ſaid *Thomas Sutton*; In witneſſe whereof, the ſaid *Thomas Sutton* hath put his Hand and Seal, dated the 12th. day of *June*, in the yeer of the Reign of our ſaid Sovereign Lord *JAMES*, by the Grace of God King of *England*,

France

France and *Ireland*, defender of the Faith, &c. And of *Scotland* the 45th. And further the Jurors aforesaid, say upon their Oath aforesaid, That the aforesaid *Thomas Sutton*, of all and singular the premisses aforesaid, in form aforesaid being seized, Afterwards, and before the time in which, &c. that is to say, the first day of *November* in the yeer of the Reign of the said Lord the King that now is of *England*, &c. the 9th. abovesaid, made a certain Indenture between him the said *Thomas Sutton* of *Balsham*, in the County of *Cambridge Esquire* of the one part, And the Right Reverend Father in God, *George* Lord Arch Bishop of *Canterbury*, Primate and Metropolitan of all *England*, The Right Honourable *Thomas* Lord *Ellesmere*, Lord Chancellor of *England*, The Right Honourable *Robert* Earl of *Salisbury*, Lord High Treasurer of *England*, The Reverend Father in God, *John* Lord Bishop of *London*, The Reverend Father in God, *Launcelot* Lord Bishop of *Elie*, *Edward Coke Knight*, Lord Chief Justice of the *Common-Pleas*, *Thomas Foster Knight*, one of the Justices of the *Common-Pleas*, *Henry Hobert Knight* and *Baronet*, the Kings Attorny General that now is, *John Overal*, Dean of the Cathedral Church of St. *Paul* in *London*, *George Mountain*, Dean of the Collegiate Church of *Westminster*, *Henry Thursby Esquire*, one of the Masters of the *Chancery*, *Jeffery Nightingale Esquire*, *Richard Sutton Esquire*, *John Law Gentleman*, *Thomas Brown Gentleman*, and *John Hutton* Clerk, By the name of the Reverend Father in God, *George* Arch Bishop of *Canterbury*, *Thomas* Lord *Ellesmere*, Lord Chancellor of *England*, *Robert* Earl of *Salisbury*, Lord High Treasurer of *England*, The Reverend Father in God, *John* Lord Bishop of *London*, The Reverend Father in God, *Launcelot* Lord Bishop of *Elie*, *Edward Coke Knight*, Lord Chief Justice of the *Common-Pleas*, *Thomas Foster Knight*, one of the Justices of the Court of *Common-Pleas*, *Henry Hobert Knight* and *Baronet*, Attorny General of the Lord the King, *John Overal*, Dean of the Cathedral Church of Saint *Paul* in *London*, *George Mountain*, Dean of the Collegiate Church of *Westminster*, *Henry Thursby Esquire*, one of the Masters of the Court of *Chancery*, *Jeffery Nightingale Esquire*, *Richard Sutton Esquire*, *John Law Gentleman*, *Thomas Brown Gentleman*, and *John Hutton* Clerk, Master of the Hospital of King *JAMES*, founded in the *Charter-House*, within the County of *Middlesex*, at the humble Petition and at the onely costs and charges of *Thomas Sutton Esquire*, the first and present Governours of the Lands, Possessions, Revenews, and Goods of the Hospital of King *JAMES*, founded in the *Charter House*, within the County of *Middlesex*, at the humble Petition, and onely costs and charges of *Thomas Sutton Esquire*, of the other part made, and within 6. Moneths then next following, that is to say, the 4th. day of *November*, in the yeer of the Reign of the Lord *JAMES*, now King of *England* the 9th. abovesaid, in the Court of *Chancery* of the Lord the King that now is, at *Westminster* aforesaid, then being in due manner of Record inrolled according to the form of the Statute in such case made and provided; And whereof one part, sealed with the Seal of the said *Thomas Sutton*, to the Jurors aforesaid was shewed in Evidence, bearing date the same day and yeer. The Tenor of which Indenture followeth in these words. This Indenture made the first day of *November*, in the yeer of our Lord God, 1611. and in the yeers of the Reign of our Sovereign Lord *JAMES*, by the Grace of God, of *England*, *France* and *Ireland*, defender of the Faith, &c. that is to say, of *England*, *France* and *Ireland* the 9th. and of *Scotland* the 45th. Between *Thomas Sutton* of *Balsham* in the County of *Cambridge Esquire* of the one part,

And the moſt Reverend Father in God, *George* now Arch Biſhop of *Canterbury*, Primate and Metropolitan of all *England*, The Right Honourable *Thomas* Lord *Elleſmere*, Lord Chancellor of *England*, The Right Honourable *Robert* Earl of *Salisbury*, Lord High Treaſurer of *England*, The Right Reverend Father in God, *John* Lord Biſhop of *London*, The Right Reverend Father in God, *Launcelot* Lord Biſhop of *Elie*, Sir *Edward Coke Knight*, Chief Juſtice of the *Common-Pleas*, Sir *Thomas Foſter Knight*, one of the Juſtices of the Court of *Common-Pleas*, Sir *Henry Hobart Knight* and *Baronet* Attorny General of our Sovereign Lord the King, *John Overal*, Dean of the Cathedral Church of Saint *Paul* in *London*, *George Mountain*, Dean of the Collegiate Church of *Weſtminſter*, *Henry Thursby Eſquire*, one of the Maſters of our Court of *Chancery*, *Jeffery Nightingale Eſquire*, *Richard Sutton Eſquire*, *John Law Gentleman*, *Thomas Brown Gentleman*, and *John Hutton* Clerk, Maſter of the Hoſpital of King *JAMES*, founded in the *Charter-Houſe*, within the County of *Middleſex*, at the humble Petition, and onely coſts and charges of the ſaid *Thomas Sutton Eſquire*, the firſt and preſent Governours of the Lands, Poſſeſſions, Revenews, and Goods of the Hoſpital of King *JAMES*, founded in the *Charter-Houſe*, within the County of *Middleſex*, at the humble Petition, and onely coſts and charges of *Thomas Sutton Eſquire* of the other part, Witneſſeth; That whereas, It hath pleaſed the Kings moſt Excellent Majeſty that now is, By his Highneſſe Letters Patents, bearing date at *Weſtminſter* the 22th. day of *June*, in this preſent 9th. yeer of his Highneſſe over *England*, upon the humble Sute of *Thomas Sutton*, to give Licenſe, Power and Authority, to him the ſaid *Thomas Sutton*, to place, erect, found and eſtabliſh, at or in the ſaid Houſe, called the late diſſolved *Charter-Houſe* beſides *Smith-field*, within the ſaid County of *Middleſex*, One Hoſpital, Houſe or place of abiding, for the finding, ſuſtentation, and relief of poor, aged, maimed, needy, and impotent people: As alſo to place, found and eſtabliſh, at or in the ſaid Houſe, One Free-ſchool, for the inſtructing, maintainance, and education of poor Children or Scholars, And that the ſaid Hoſpital, ſhould ever after be incorporated, named and called, The Hoſpital of King *JAMES*, founded in the *Charter-Houſe*, within the County of *Middleſex*, at the humble Petition, and onely coſts and charges of *Thomas Sutton Eſquire*, And that he the ſaid *Thomas Sutton* during his life, and after his death, the Governours and their Succeſſors for ever, ſhould have full Power, Licenſe and Authority, to ordain, appoint, and place therein a Maſter, a Preacher, a School-Maſter and Uſher, and ſuch number of poor people, Scholars and Officers, as they ſhould think meet, And in default thereof, his Majeſty, his Heirs and Succeſſors, And where likewiſe our ſaid Sovereign Lord the Kings Majeſty, by the ſaid Letters Patents, hath incorporated the ſaid Lord Arch Biſhop, Lord Chancellor, Lord Treaſurer, *Iohn* Biſhop of *London*, Biſhop of *Elie*, Sir *Edward Coke Knight*, Sir *Thomas Foſter Knight*, Sir *Henry Hobert Knight* and *Baronet*, *John Overal*, *George Mountain*, *Henry Thursby*, *Jeffery Nightingale*, *Richard Sutton*, *John Law*, *Thomas Law*, *Thomas Brown*, and the Maſter of the ſaid Hoſpital, for the time being, by the name of Governours of the Lands, Poſſeſſions, Revenews, and Goods of the Hoſpital of King *JAMES*, founded in the *Charter-Houſe*, within the County of *Middleſex*, at the humble Petition, and onely coſts and charges of *Thomas Sutton Eſquire*; And moreover, hath hereby granted Licenſe, as well to the ſaid Governours and their Succeſſors, to have, take, and purchaſe, as alſo Licenſe and Authority to the

ſaid

laid *Thomas Sutton* his Heirs and Aſſigns, to give, grant, and aſſure unto the Governours and their Succeſſors, for the better continuance of the ſaid Hoſpital and Free ſchool for ever, and for the better maintainance of the Maſter, Preacher, School Maſter, Uſher, and ſuch number of poor people, Scholars and Officers, of and in the ſaid Office for ever, as ſhall be therein placed as aforeſaid. And all and every the Manors, Lands, Tenements, Rents, Reverſions, Advowſons, and Hereditaments, hereafter herein mentioned to be granted or conveied, as in the ſaid Letters Patents amongſt other things more at large may appear; Since which ſaid Letters Patents, The ſaid *Thomas Sutton*, hath by his Deed under his Hand and Seal, bearing date the 13th. day of *October* laſt, ordained and appointed the ſaid *John Hutton*, to be the firſt preſent Maſter of the ſaid Hoſpital, according to the purport, Tenor, and true meaning of the ſaid Letters Patents. And the ſaid *Tho. Sutton*, being minded in his life time to perfect the ſaid godly & charitable act himſelf, and not to leave it to be perfected after his death by others, This Indenture therfore witneſſeth, That the ſaid *Tho. Sutton*, for and in conſideration of the continuance of the ſaid Hoſpital and Free-ſchool for ever hereafter, and for the better maintainance of the ſaid Maſter, Preacher, School-maſter, Uſher, poor people, Scholars and Officers, for ever hereafter, with the Rents, Revenews, Iſſues, Commodities and Profits, of the Manors, Lands, Tenements, Rents, Reverſions, Advowſons, and Hereditaments hereafter in theſe preſents mentioned, to be conveied, and for and in conſideration of the ſum of 5. pound, of lawful Mony of *England*, by the ſaid Lord Arch-Biſhop, and other the Governours aforeſaid paid, which ſaid ſum of 5. pound, he the ſaid *Thomas Sutton* confeſſeth, and acknowledgeth himſelf to have received of the ſaid Governours, and thereof doth acquit and diſcharge the ſaid Governours for ever by theſe preſents, And in conſideration of the yeerly Rent of 12.d. of lawful Mony of *England*, hereafter in and by theſe preſents reſerved to the ſaid *Thomas Sutton* and his Heirs; And for divers other good and reaſonable conſiderations him eſpecially moving, (according to the ſaid Licenſe of the Kings Majeſty, to him the ſaid *Thomas Sutton* in that behalf given) Hath bargained, ſold, granted, and confirmed and conveied, and by theſe preſents doth for him and his Heirs, bargain, ſell, give, grant, confirm and convey, unto the ſaid Governours of the Lands, Poſſeſſions, Revenews, and Goods of the ſaid Hoſpital of King *JAMES*, founded in the *Charter-Houſe*, within the County of *Middleſex*, at the humble Petition, and onely coſts and charges of *Thomas Sutton Eſquire*, and to their Succeſſors for ever, All that the Manſion-houſe, commonly called the *Charter-houſe* beſides *Smith-field*, in the ſaid County of *Middleſex*, And all and ſingular the Meſſuages, Houſes, Courts, Yards, Gardens, Orchards, Cloſes, and other Hereditaments within the County of *Middleſex*, lately purchaſed by the ſaid *Thomas Sutton*, of the Right Honourable *Thomas* Earl of *Suffolk*, And all thoſe his Manors and Lordſhips of *Southminſter*, *Norton*, *Little Hallingbury*, otherwiſe *Hallingbury Bowchers*, and *Much Stanbridge* in the County of *Eſſex*, with all their and every of their Rights, Members, and Appurtenances whatſoever. And alſo all thoſe his Manors and Lordſhips of *Buſtingthorp*, otherwiſe *Baſlingthorp* and *Dunnesby*, in the County of *Lincoln*, with their and every of their Rights, Members, & Appurtenan. whatſoever. And all thoſe his Manors of *Salthorp*,

otherwiſe *Saltrop*, otherwiſe *Halthorp*, otherwiſe *Halſtrop*, *Chilton*, *Black grove*, *Vffcot*, *Miſenden*, otherwiſe *Mi unden*, *Wakleſcot*, otherwiſe *Wigleſcot*, otherwiſe *Wigleſcet*, *Vveſcote*, o herwiſe *Weſcete*, and *Elcomb*, in the County of *Wilts*, with their and every of their Rights, Members, and Apurtenances. And all thoſe his Lands and Paſture Grounds, called *Black grove*, containing by eſtimation 200. Acres of Paſture, with their Appurtenances in *Black grove* and *Wroughton*, in the ſaid County of *Wilts*. And alſo all thoſe Lands and Paſtures, containing by eſtimation 100. Acres of Land, 60. Acres of Paſture, with the Appurtenances in *Wigleſcote* and *Wroughton*, in the ſaid County of *Wilts*. And alſo all thoſe his two Meſſuages, and 1000. Acres of Land, 2000. Acres of Paſture, 300. Acres of Meadow, & 300. Acres of Wood, with the Appurtenances in *Broadhinton*, in the ſaid County of *Wilts*. And all thoſe his Manors & Lordſhips of *Campes*, otherwiſe *Camps Caſtle*, otherwiſe called *Caſtle Camps*, with the Appurtenances, ſituate, lying and being, and extending into the Counties of *Cambridge* and *Eſſex*, or either of them, or elſewhere within the Realm of *England*. And alſo all that his Manor of *Halſham*, in the County of *Cambridge*, with all and ſingular the Rights, Members, & Appurtenances thereof, whatſoever. And all thoſe his Meſſuages and Lands, ſituate, lying and being in the Pariſhes of *Hackney*, and *Tottenham*, in the County of *Middleſex*, or in either of them, with their, and either of their Rights, Members, and Appurtenances whatſoever, which ſaid laſt mentioned Meſſuage, was lately purchaſed of Sir *William Bowyer Knight*, and the Lands in *Tottenham* now are, or late were, in the Tenure or Occupation of *William Benning Yeoman*. And alſo all and ſingular the Manors, Lordſhips, Meſſuages, Lands, Tenements, Rents, Reverſions, & Services, Meadows, Paſtures, Woods, Advowſons, Patronages of Churches, Liberties, Priviledges, Franchiſes, and other Hereditament; whatſoever of the ſaid *Thomas Sutton*, ſituate, lying and being, or to be had, taken, and enjoyed, within the ſaid County of *Eſſex*, *Lincoln*, *Wilts*, *Cambridge*, and *Middleſex*, or in any of them, with all and every their Rights, Members, and Appurtenances whatſoever. And all Letters Patents, Indentures, Deeds, Charters, Extents, Court Reuls, and other Writings, Minuments, and Evidences whatſoever, concerning the premiſes, or any of them, or any part or parcel of them, or any of them, Except, and allwaies foreprized out of theſe preſents, the Manors or Lordſhips of *Little Hallingbury*, and *Haddeſtock*, or either of them, or to the ſaid Manors of *Little Hallingbury*, and *Haddeſtock*, or either of them belonging or appertaining, To have, and to hold the ſaid Manſion-Houſe, called the *Charter-Houſe*, beſides *Smithfield*, And all and every the ſaid Manors, Lordſhips, Meſſuages, Parks, Lands, Tenements, Reverſions, Services, Advowſons, Liberties, Franchiſes, Priviledges, and Hereditaments, and all other the premiſes, with their and every their Members and Appurtenances, (except before excepted) unto the ſaid Governours of the Lands, Poſſeſſions, Revenews and goods of the ſaid Hoſpital of King *JAMES*, founded in the *Charter-Houſe* within the County of *Middleſex*, At the humble Petition, and onely coſts and charges of *Thomas Sutton Eſquire*, and their Succeſſors for ever, upon ſpecial truſt and confidence, That all & ſingular the Rents, Iſſues, Revenews, Cõmodities and profits of all & ſingular the ſaid Manors, Houſes, Lands, Tenements, Hereditaments, and other the premiſes with their Appurtenances, ſhall be for ever hereafter

after from time to time, truly, faithfully, and wholy diſtributed, converted, and imployed by the ſaid Governours and their Succeſſors, to and for the maintainance & continuance of the ſaid Hoſpital and Free-School, and of the Maſter, Preacher, School-Maſter, Uſher, poor people, Scholars & Officers, of and in the ſaid Hoſpital and Free-ſchool, for the time being, and at all times hereafter, and from time to time for ever, according to the true intent, purport, and meaning of the ſaid *Thomas Sutton*, and according to the Tenor and purport of the ſaid Letters Patents, and of theſe preſents, and to none other truſt, uſe, confidence, intereſt, purpoſe, or imployment whatſoever. Yielding and paying therefore yeerly unto the ſaid *Thomas Sutton* and his Heirs, the yeerly Rent of 12. pence, at the Feaſt of the Nativity of Saint *John* the *Baptiſt* yeerly to be paid, And when, and as often as the ſaid yeerly Rent of 12. pence, ſhall be behind and unpaid, at any Feaſt whereon the ſame ought to be paid, That then, and ſo often, It ſhall be lawful for the ſaid *Thomas Sutton* and his Heirs, into the premiſes, and into every or any part or parcel thereof, to enter and diſtrein, and the diſtreſſe and diſtreſſes there taken, to take, lead, and carry away, and with him and them to detein, until he and they be ſatisfied of the ſaid Rent, and the Arrerages thereof if any may be. In witneſſe whereof, the parties firſt above named, to theſe preſent Indentures interchangeably have ſet their Hands & Seals the day and yeer firſt above written. And further the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the aforeſaid *Thomas Sutton*, of the aforeſaid premiſes with the Appurtenances, in the County of *Middleſex*, as before is ſaid being ſeiſed, The ſaid *Thomas Sutton*, after the aforeſaid Indenture, of Bargain & Sale of the premiſes with the Appurtenances, whereof, *&c.* by the aforeſaid *Thomas* Earl of *Suffolk*, to the aforeſaid *Thomas Sutton* made, and after the Inrollment of the aforeſaid Indenture, and before the Letters Patents aforeſaid, by the ſaid Lord the King that now is, as is ſaid made, and before the aforeſaid Indenture made, Between the aforeſaid *Thomas Sutton* of the one part, And the aforeſaid *George* Arch-Biſhop of *Canterbury*, Primiate and Metropolitan of all *England*, and others of the other part, bearing date the firſt day of *November*, in the yeer of the Reign of the Lord the King that now is the 9th aboveſaid, Appointed one *Richard Bird*, to be Porter of the ſaid Meſſuage, called the late diſſolved *Charter-Houſe* beſides *Smith-field*, of the aforeſaid *Thomas Sutton*, which *Richard Bird*, continued Porter of the ſaid Meſſuage, after the ſaid Indenture made, Between the aforeſaid *Thomas Sutton* of the one part, & the aforeſaid *George* Arch-Biſhop of *Canterbury*, and others of the other part, bearing date the aforeſaid firſt day of *November*, in the yeer of the Reign of the ſaid Lord the King that now is the 9th. aboveſaid until the death of the ſaid *Tho. Sutton*. And further, the Jurors ſay upon their Oath aforeſaid, That the ſaid *Thomas Sutton* afterwards, and before the time in which *&c.* that is to ſay, the ſecond day of *November*, in the yeer of our Lord 1611. made his Teſtament and laſt Will in Writing, amongſt other things as followeth in theſe words. And my Will and meaning is, That unleſſe the ſaid Sir *Francis Popham*, & the ſaid Lady *Ann* his Wife, do or ſhall give to mine Executor or Executors, A general Acquittance or Releaſe, to the effect above mentioned, That then as well the ſaid Legacy of 2000. Marks, ſo willed to be given to the ſaid Sir *Francis Popham*, and *Ann* his Wife, as alſo the

other ſeveral Legacies given and bequeathed to every of the ſaid Children of Sir *Francis Prpham* and the Lady his Wife, ſhall remain and be to the uſe of mine Executor or Executors, to be wholly diſpoſed and given by them, within one whole yeer after my deceaſe, yeerly to the mending of the High-wayes, and partly to poor Maids Mariages, and partly to the Releaſing of poor men that lie in Priſon for Debt, and partly to the poor people of my intended Hoſpital, when it ſhall pleaſe God it be eſtabliſhed and erected. Alſo, I give for and towards the building of my intended Hoſpital, Chapel, and School-houſe, the ſum of 5000. pound. *Item*, I give unto the Treaſury and Storehouſe of my intended Hoſpital to begin their Stock with, and to defend the Rights of the Houſe 1000. pound, of lawful Engliſh Mony. And I give to every one of my Feoffees, whom I have put in truſt about my intended Hoſpital, to whom I have not given any thing in this my Will, the ſum of 26. pound, 13. ſhillings, and 4. pence, of lawfull Mony of *England*, as by the ſaid Teſtament and laſt Will more fully appeareth. And further the Jurors ſay, upon their Oath aforeſaid, That the aforeſaid *Thomas Sutton* afterwards, and before the aforeſaid time in which, *&c.* that is to ſay, the 12th. day of *December*, in the yeer of the Reign of the Reign of the ſaid Lord the King that now is the 9th. aboveſaid, at *Hackney* in the County of *Middleſex*, dyed without iſſue of his Body lawfully begotten, And that the aforeſaid *Simon Baxter* now Plaintiff is, and at the time of the death of the ſaid *Thomas Sutton*, was Coſin and next Heir of the aforeſaid *Thomas Sutton*, that is to ſay, Son and Heir of *Dorothy*, the onely Siſter of the ſaid *Thomas Sutton*. And further the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the aforeſaid *Richard Sutton*, and *John Law*, afterwards and before the time in which, *&c.* claiming as two Governours of the Lands, Poſſeſſions, Revenues, and Goods of the Hoſpital of King *JAMES*, founded in *Charter Houſe*, within the County of *Middleſex*, at the humble petition and only coſts and charges, of *Thomas Sutton Eſquire*, in the names, and to the uſe of them who are named Governours as aforeſaid, into all and ſingular the premiſes with the Appurtenances, called the late diſſolved *Charter-Houſe* beſides *Smith field*, whereof, *&c.* entred and were thereof ſeiſed as the Law requireth, upon the poſſeſſions of which, *Richard Sutton*, and *John Law*, thereof afterwards, and before the time in which, *&c.* the aforeſaid *Simon Baxter*, into the ſaid premiſes with the Appurtenances, whereof, *&c.* entred and was thereof ſeiſed as the Law requireth; Upon the poſſeſſion of which *Simon Baxter* thereof, the aforeſaid *Richard Sutton*, and *John Law*, the aforeſaid time in which, into the premiſes aforeſaid with the Appurtenances, whereof, *&c.* claiming as two Governours of the Lands, Poſſeſſions, Revenews and Goods of the Hoſpital of King *JAMES*, founded in the *Charter-Houſe* At the humble Petition, and onely coſts and charges of *Thomas Sutton Eſq.* in the names, and to the uſe of thoſe who are called Governours as afore is ſaid, re-entred, as the aforeſaid *Simon Baxter* againſt them complaineth. And further, the Jurors ſay upon their Oath aforeſaid, That the aforeſaid *Richard Sutton*, and *John Law*, in the aforeſaid Act of Parliament of the 7th. year of King *JAMES* aboveſaid, and in the aforeſaid Letters Patents of the ſaid King, and in the aforeſaid Indenture of Bargain and Sale, made between the aforeſaid *Thomas Sutton* of the one part, & the aforeſaid *George* Arch-Biſhop of *Canterbury*, and others of the other part, bearing date the

the firſt day of *November*, in the yeer of the Reign of the ſaid Lord the King that now is the 9th. aboveſaid named, And the aforeſaid *Richard Sutton*, and *John Law* now Defendants, are one and the ſame perſons, and not others nor divers. And that the aforeſaid *Thomas* Lord *Elleſmere*, *Robert* Earl of *Salisbury*, the Reverend Father *Launcelot* Biſhop of *Elie*, *Thomas Foſter*, *Henry Hobert*, *John Overal*, *Henry Thursby*, *Jeffery Nightingale*, *Richard Sutton*, *John Law*, and *Thomas Brown*, in the aforeſaid Act of Parliament of the 7th. yeer aboveſaid named, and in the aforeſaid Letters Patents of the ſaid Lord the King, and in the aforeſaid Indenture of Bargain and Sale, made to *George* Arch Biſhop of *Canterby* and others, are one and the ſame perſons, and not others nor divers. And that the moſt Reverend Father in God, *George* Arch Biſhop of *Canterbury*, *Thomas* Lord *Elleſmere*, *Robert* Earl of *Salisbury*, *John* Biſhop of *London*, *Launcelot* Biſhop of *Elie*, *Thomas Foſter*, *Henry Hobart*, *John Overal*, *George Mountain*, *Henry Thursby*, *Jeffery Nightingale*, *Richard Sutton*, *John Law*, and *Thomas Brown*, in the aforeſaid Letters Patents of the aforeſaid Lord the King mentioned, and in the aforeſaid Indenture of Bargain and Sale made, between the aforeſaid *Thomas Sutton* of the one partt, and the aforeſaid Reverend Father in God, *Gerrge* Arch Biſhop of *Canterby*, *Thomas* Lord *Elleſmere*, *Robert* Earl of *Salisbury*, *John* Biſhop of *London*, *Launcelot* Biſhop of *Elie*, *Edward Coke*, *Thomas Foſter*, *Henry Hobart*, *John Overal*, *George Mountain*, *Henry Thursby*, *Jeffery Nightingale*, *Richard Sutton*, *John Law*, *Thomas Brown*, and *John Hutton* of the other part, are one and the ſame perſons, and not others nor divers. And that all the Manors, Lands, Tenements, and Hereditaments, in the aforeſaid Act of Parliament of the 7th. yeer aboveſaid, and in the aforeſaid Letters Patents by the aforeſaid Lord the King, to the aforeſaid *Thomas Sutton* granted, and in the Indenture aforeſaid of Bargain and Sale made, Between the aforeſaid *Thomas Sutton*, and the aforeſaid *George* Arch Biſhop of *Canterbury*, and others, (except the Lands, Tenements, and Hereditaments, called the late diſſolved *Charter Houſe* beſides *Smithfield*, purchaſed of the aforeſaid *Thomas* Earl of *Suffolk*,) mentioned, are one and the ſame Manors, Lands, Tenements, and Hereditaments, and not others nor divers. And that the aforeſaid Lands, Tenements, and Hereditaments, called the late diſſolved *Charter-Houſe* beſides *Smithfield*, in the aforeſaid Indenture of Bargain and Sale made, Between the aforeſaid *Thomas Sutton*, and the aforeſaid *Thomas* Earl of *Suffolk*, and others, bearing date the 9th. day of *May*, in the yeer of the Reign of the ſaid Lord the King that now is the 9th. aboveſaid, and in the aforeſaid Letters Patents of the aforeſaid Lord the King, to *Thomas Sutton* aforeſaid, and in the aforeſaid Indenture of Bargain and Sale, between the aforeſaid *Thomas Sutton*, and the aforeſaid Arch Biſhop of *Canterbury*, and others likewiſe named, whereof, *&c.* are one and the ſame Lands, Tenements, and Hereditaments, and not others nor divers. And that the aforeſaid *Thomas Sutton*, in the aforeſaid Act of Parliament of the 7th. yeer aboveſaid named, and in the Writing aforeſaid to *John Hutton* aforeſaid made, is one and the ſame perſon, and not others nor divers. And that the aforeſaid *George Mountain*, at the time of the making of the aforeſaid Letters Patents of the aforeſaid Lord the King, was, and now is Dean of the Church collegiat at *Weſtminſter*, And that the aforeſaid *George Mountain*, in the ſaid Letters Patents of the ſaid Lord the King named, and the afore-

other ſeveral Legacies given and bequeathed to every of the ſaid Children of Sir *Francis Prpham* and the Lady his Wife, ſhall remain and be to the uſe of mine Executor or Executors, to be wholly diſpoſed and given by them, within one whole yeer after my deceaſe, yeerly to the mending of the High-wayes, and partly to poor Maids Mariages, and partly to the Releaſing of poor men that lie in Priſon for Debt, and partly to the poor people of my intended Hoſpital, when it ſhall pleaſe God it be eſtabliſhed and erected. Alſo, I give for and towards the building of my intended Hoſpital, Chapel, and School-houſe, the ſum of 5000. pound. *Item*, I give unto the Treaſury and Storehouſe of my intended Hoſpital to begin their Stock with, and to defend the Rights of the Houſe 1000. pound, of lawful Engliſh Mony. And I give to every one of my Feoffees, whom I have put in truſt about my intended Hoſpital, to whom I have not given any thing in this my Will, the ſum of 26. pound, 13. ſhillings, and 4. pence, of lawfull Mony of *England*, as by the ſaid Teſtament and laſt Will more fully appeareth. And further the Jurors ſay, upon their Oath aforeſaid, That the aforeſaid *Thomas Sutton* afterwards, and before the aforeſaid time in which, *&c.* that is to ſay, the 12th. day of *December*, in the yeer of the Reign of the Reign of the ſaid Lord the King that now is the 9th. aboveſaid, at *Hackney* in the County of *Middleſex*, dyed without iſſue of his Body lawfully begotten, And that the aforeſaid *Simon Baxter* now Plaintiff is, and at the time of the death of the ſaid *Thomas Sutton*, was Coſin and next Heir of the aforeſaid *Thomas Sutton*, that is to ſay, Son and Heir of *Dorathy*, the onely Siſter of the ſaid *Thomas Sutton*. And further the Jurors aforeſaid, ſay upon their Oath aforeſaid, That the aforeſaid *Richard Sutton*, and *John Law*, afterwards and before the time in which, *&c.* claiming as two Governours of the Lands, Poſſeſſions, Revenues, and Goods of the Hoſpital of King *JAMES*, founded in *Charter Houſe*, within the County of *Middleſex*, at the humble petition and only coſts and charges, of *Thomas Sutton Eſquire*, in the names, and to the uſe of them who are named Governours as aforeſaid, into all and ſingular the premiſes with the Appurtenances, called the late diſſolved *Charter-Houſe* beſides *Smith field*, whereof, *&c.* entred and were thereof ſeiſed as the Law requireth, upon the poſſeſſions of which, *Richard Sutton*, and *John Law*, thereof afterwards, and before the time in which, *&c.* the aforeſaid *Simon Baxter*, into the ſaid premiſes with the Appurtenances, whereof, *&c.* entred and was thereof ſeiſed as the Law requireth; Upon the poſſeſſion of which *Simon Baxter* thereof, the aforeſaid *Richard Sutton*, and *John Law*, the aforeſaid time in which, into the premiſes aforeſaid with the Appurtenances, whereof, *&c.* claiming as two Governours of the Lands, Poſſeſſions, Revenews and Goods of the Hoſpital of King *JAMES*, founded in the *Charter-Houſe* At the humble Petition, and onely coſts and charges of *Thomas Sutton Eſq.* in the names, and to the uſe of thoſe who are called Governours as afore is ſaid, re-entred, as the aforeſaid *Simon Baxter* againſt them complaineth. And further, the Jurors ſay upon their Oath aforeſaid, That the aforeſaid *Richard Sutton*, and *John Law*, in the aforeſaid Act of Parliament of the 7th. year of King *JAMES* aboveſaid, and in the aforeſaid Letters Patents of the ſaid King, and in the aforeſaid Indenture of Bargain and Sale, made between the aforeſaid *Thomas Sutton* of the one part, & the aforeſaid *George* Arch-Biſhop of *Canterbury*, and others of the other part, bearing date the

the firſt day of *November*, in the yeer of the Reign of the ſaid Lord the King that now is the 9th. aboveſaid named, And the aforeſaid *Richard Sutton*, and *John Law* now Defendants, are one and the ſame perſons, and not others nor divers. And that the aforeſaid *Thomas* Lord *Elleſmere*, *Robert* Earl of *Salisbury*, the Reverend Father *Launcelot* Biſhop of *Elie*, *Thomas Foſter*, *Henry Hobert*, *John Overal*, *Henry Thursby*, *Jeffery Nightingale*, *Richard Sutton*, *John Law*, and *Thomas Brown*, in the aforeſaid Act of Parliament of the 7th. yeer aboveſaid named, and in the aforeſaid Letters Patents of the ſaid Lord the King, and in the aforeſaid Indenture of Bargain and Sale, made to *George* Arch Biſhop of *Canterby* and others, are one and the ſame perſons, and not others nor divers. And that the moſt Reverend Father in God, *George* Arch Biſhop of *Canterbury*, *Thomas* Lord *Elleſmere*, *Robert* Earl of *Salisbury*, *John* Biſhop of *London*, *Launcelot* Biſhop of *Elie*, *Thomas Foſter*, *Henry Hobart*, *John Overal*, *George Mountain*, *Henry Thursby*, *Jeffery Nightingale*, *Richard Sutton*, *John Law*, and *Thomas Brown*, in the aforeſaid Letters Patents of the aforeſaid Lord the King mentioned, and in the aforeſaid Indenture of Bargain and Sale made, between the aforeſaid *Thomas Sutton* of the one partt, and the aforeſaid Reverend Father in God, *Gerrge* Arch Biſhop of *Canterby*, *Thomas* Lord *Elleſmere*, *Robert* Earl of *Salisbury*, *John* Biſhop of *London*, *Launcelot* Biſhop of *Elie*, *Edward Coke*, *Thomas Foſter*, *Henry Hobart*, *John Overal*, *George Mountain*, *Henry Thursby*, *Jeffery Nightingale*, *Richard Sutton*, *John Law*, *Thomas Brown*, and *John Hutton* of the other part, are one and the ſame perſons, and not others nor divers. And that all the Manors, Lands, Tenements, and Hereditaments, in the aforeſaid Act of Parliament of the 7th. yeer aboveſaid, and in the aforeſaid Letters Patents by the aforeſaid Lord the King, to the aforeſaid *Thomas Sutton* granted, and in the Indenture aforeſaid of Bargain and Sale made, Between the aforeſaid *Thomas Sutton*, and the aforeſaid *George* Arch Biſhop of *Canterbury*, and others, (except the Lands, Tenements, and Hereditaments, called the late diſſolved *Charter Houſe* beſides *Smithfield*, purchaſed of the aforeſaid *Thomas* Earl of *Suffolk*,) mentioned, are one and the ſame Manors, Lands, Tenements, and Hereditaments, and not others nor divers. And that the aforeſaid Lands, Tenements, and Hereditaments, called the late diſſolved *Charter-Houſe* beſides *Smithfield*, in the aforeſaid Indenture of Bargain and Sale made, Between the aforeſaid *Thomas Sutton*, and the aforeſaid *Thomas* Earl of *Suffolk*, and others, bearing date the 9th. day of *May*, in the yeer of the Reign of the ſaid Lord the King that now is the 9th. aboveſaid, and in the aforeſaid Letters Patents of the aforeſaid Lord the King, to *Thomas Sutton* aforeſaid, and in the aforeſaid Indenture of Bargain and Sale, between the aforeſaid *Thomas Sutton*, and the aforeſaid Arch Biſhop of *Canterbury*, and others likewiſe named, whereof, *&c.* are one and the ſame Lands, Tenements, and Hereditaments, and not others nor divers. And that the aforeſaid *Thomas Sutton*, in the aforeſaid Act of Parliament of the 7th. yeer aboveſaid named, and in the Writing aforeſaid to *John Hutton* aforeſaid made, is one and the ſame perſon, and not others nor divers. And that the aforeſaid *George Mountain*, at the time of the making of the aforeſaid Letters Patents of the aforeſaid Lord the King, was, and now is Dean of the Church collegiat at *Weſtminſter*, And that the aforeſaid *George Mountain*, in the ſaid Letters Patents of the ſaid Lord the King named, and the aforeſaid

ſaid *George Mountain*, in the aforeſaid Indenture of Bargain and Sale, by the aforeſaid *Thomas Sutton*, to the aforeſaid *Geo.* Arch Biſhop of *Canterbury*, and others, as afore is ſaid made, named, is one and the ſame perſon, and not other nor divers. And that the aforeſaid *John Hutton*, in the afore-ſaid Writing named, and in the aforeſaid Indenture of Bargain and Sale, of the aforeſaid *Tho. Sutton* named, is one and the ſame perſon, and not other nor divers. But whether upon the whole matter aforeſaid, in form aforeſaid found, The aforeſaid *Richard Sutton* and *John Law*, be guilty of the Treſpaſſe aforeſaid or not, the ſaid Jurors are utterly ignorant. And pray the adviſe of the Court here, *&c.* And if upon the whole matter aforeſaid, in form aforeſaid found, It ſhall ſeem to the Court here, That the aforeſaid *Richard Sutton* and *John Law*, are guilty of the Treſpaſſe aforeſaid, as the ſaid *Simon Baxter* againſt them complaineth, Then they aſſeſſe the damages of the ſaid *John Baxter*, by occaſion of that Treſpaſſe of coſts and charges by him about his Sute in his part expended to one penny, and for his coſts and charges to 12. pence. And if upon the whole matter aforeſaid, by the Jurors aforeſaid, in form aforeſaid found, It ſhall ſeem to the Court here, That the aforeſaid *Richard Sutton* and *John Law*, are not guilty of the Treſpaſſe aforeſaid, Then the ſaid Jurors ſay upon their Oath aforeſaid, That the aforeſaid *Richard Sutton* and *John Law*, are not thereof guilty, as the aforeſaid *Richard Sutton* and *John Law* above for them have alleged. And becauſe the Court of the Lord the King here is not yet aviſed of and upon the premiſes, day thereof is given to the parties before the Lord the King at *Weſtminſter*, until *Wedneſday* next after 15. days of *Eaſter*, to hear their Judgemẽt of & upon the premiſes, becauſe the Court of the L. the K. here therof not yet, *&c.* At which day before the Lord the King at *Weſtm.* come the parties aforeſaid, by their Attornies aforeſaid, And becauſe the Court of the Lord the King here is not yet aviſed of giving their Judgement of and upon the premiſes; day thereof is further further given to the parties aforeſaid, before the Lord the King at *Weſtminſter*, until *Fryday* next after the Morrow of *Holy Trinity*, to hear their Judgement thereof, becauſe the Court of the Lord the King here thereof not yet, *&c.* Upon which, The premiſes by the Court of the Lord the King that now is here ſeen, and all and ſingular the premiſes fully underſtood, and mature deliberation being thereupon had, For that it ſeemeth to the Court of the Lord the King that now is here, upon the whole matter aforeſaid, in form aforeſaid found, That the aforeſaid *Richard Sutton* and *John Law*, are not guilty of the Treſpaſſe aforeſaid, as the ſaid *Richard Sutton* and *John Law* above for them have alleged; It is granted that the aforeſaid *Simon Baxter*, take nothing by his Bill aforeſaid, but for his falſe clamor thereof be in mercy, *&c.* And that the aforeſaid *Richard Sutton* and *John Law*, go thereof without day, *&c.* And that the aforeſaid *Richard Sutton* and *John Law*, recover againſt the aforeſaid *Simon Baxter* 24. pound, for their coſts and charges by them about their defence in this part expended, to the ſaid *Richard Sutton* and *John Law*, with their aſſent by the Court of the Lord the King here, according to the form of the Statute in ſuch caſe late made and provided adjudged; And that the aforeſaid *Richard Sutton* and *John Law* have Execution thereof, *&c.*

WASTE.

Hillary Term, 340. *ELIZABETH*, in the *COMMON-PLEAS*, Rot. 2380. Co. 4. part. *Hyndes* Caſe, *Fol.* 68.

ELizabeth *Hynde*, was ſummoned to Anſwer to *Richard Libb Eſquire*, of *Oxon.* a Plea, Wherefore, Whereas of the Common Counſell of the Realm of the Lady the Queen of *England*, it is provided, That it ſhall not be law-for any one waſte, ſpoyle, or deſtruction to do in Lands, Houſes, Woods or Gardens, to him demiſed for Term of life or yeers, The ſaid *Eliza.* of Lands and Woods in *Goring* and *Whitchurch*, which ſhe holdeth for Term of yeers, of the demiſe of *Robert Garrard*, of the aforeſaid *Richard*, of the Aſſignment of *William Haw*, who thoſe to the ſaid *Robert* demiſed, for the ſaid Term thereof made, to the ſaid *Richard* did waſte, ſpoyle, and deſtruction, to the diſſenheriſin of him the ſaid *Richard*, and againſt the form of the Proviſion aforeſaid, *&c.* And whereupon the ſaid *Richard*, by *Thomas Lane* his Attorny ſaith, That whereas the aforeſaid *William Haw*, was ſeiſed of a Meſſuage called *Haw Place*, 200. Acres of Land, 10. Acres of Meadow, 100. Acres of Paſture, and 50. Acres of Wood, with the Appurtenances in *Goring* and *Whitchurch* aforeſaid, in his Demeſn as of Fee, And ſo thereof being ſeiſed, the 4th. day of *January*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 28th. at *Goring* aforeſaid, By Indenture between the aforeſaid *William Haw*, of *Haw Place*, in the Pariſh of *Goring*, in the County of *Oxon. Yeoman* of the one part, and the aforeſaid *Robert Garrard*, by the name of *Robert Garrard* of *Hedſor*, in the County of *Buckingham Gentleman* made, One part of which, ſealed with the Seal of the aforeſaid *Robert*, the ſaid *Richard* here in Court brings, whoſe date is the ſame day and yeer, demiſed to the ſaid *Robert*, the Tenements aforeſaid with the Appurtenances, Except (during the life of *Agnes Haw*, Mother of the ſaid *William*) ſuch part of the Meſſuage aforeſaid parcel of the premiſes, Orchard and Garden, One Cloſe called *Reaves Dean*, and one Cloſe called *Bell Cloſe*, and one Orchard, called the *Orchard Pedel*, parcel of the premiſes, which the ſaid *Agnes* then occupied, and then had, taken, and agreed, to receive for her Dower, of, in, and for the Tenements aforeſaid with the Appurtenances, To have, and to hold the ſaid Tenements with the Appurtenances, (except before excepted) to the ſaid *Robert* and his Aſſigns, from the Feaſt of the Birth of our Lord God then laſt paſt, until the end and Term of 16. yeers, from thence next inſuing, and fully to be compleat and ended, By virtue of which Demiſe, the ſaid *Robert* in the Tenements aforeſaid with the Appurtenances, above

in form aforeſaid demiſed, entred and was thereof poſſeſſed, and ſo thereof being poſſeſſed, the 20th. day of *Auguſt*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 29th. at *Goring* aforeſaid, granted all his Eſtate, Intereſt, and Term of yeers, which he had then to come, of and in the aforeſaid Tenements with the Appurtenances, above in form aforeſaid demiſed, to the aforeſaid *Elizabeth Hynde*. By virtue of which grant, the aforeſaid *Elizabeth*, into the ſaid Tenements with the Appurtenances, above in form aforeſaid demiſed, entred and was thereof poſſeſſed, And the aforeſaid *Elizabeth*, being thereof ſo poſſeſſed, and the aforeſaid *William Haw*, of the Reverſion thereof in form aforeſaid being ſeiſed, the ſaid *William*, the 7th. day of *March*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 30th. at *Goring* aforeſaid, By his Indenture of Bargain and Sale, made between him the ſaid *William* of the the one part, and the aforeſaid *Richard* of the other part, one part of which, ſealed with the Seal of the ſaid *William*, the ſaid *Richard* here in Court brings, whoſe Date the is ſame day and yeer, and in the Court of the ſaid Lady the Queen of the Bench here at *Weſtminſter*, in *Eaſter Term*, in the yeer of the Reign of the ſaid Lady the Queen the 30th. aboveſaid, before the then Juſtices of the ſaid Lady the Queen of the Bench here, as the deed of the ſaid *William Haw*, by him the ſaid *William* acknowledged, and within 6. Moneths then next following, that is to ſay, the ſame *Eaſter Term*, in due manner in the ſaid Court of Record inrolled, according to the form of the Statute in ſuch caſe made and provided, for and in conſideration of 120. pound to the ſaid *William*, by the ſaid *Richard* before that time paid, bargained and ſold to the ſaid *Richard*, amongſt other things the Reverſion aforeſaid, To have and to hold to him and his Heirs for ever, By Colour of which Bargain and Sale, and Inrollment aforeſaid, and by force of a certain Statute made in the Parliament of the Lord *Henry* late King of *England* the 8th. holden at *Weſtminſter* in the County of *Middleſex*, the 4th. day of *February*, in the yeer his Reign the 27th. Of transferring of uſes into poſſeſſion, the aforeſaid *Richard* was and yet is ſeiſed of the Reverſion aforeſaid, in his Demeſn as of Fee, And the ſaid *Richard* ſo thereof being ſeiſed, and the aforeſaid *Elizabeth* of the Tenements aforeſaid with the Appurtenances, to her in form aforeſaid granted being poſſeſſed, The ſaid *Elizabeth* did waſte, ſpoyle, and deſtruction of the Lands, that is to ſay, in digging in 10. Acres of Land, in *Goring* aforeſaid, parcel of the Tenements aforeſaid to the aforeſaid *Robert* demiſed, 100. loads of Clay, taking for the price of every load of Clay thereof 8. pence, and cutting down, and ſelling of the Woods, alſo in a certain Wood called *Heighgrove*, containing 10. Acres of Wood, with the Appurte. in *Goring* aforeſaid, and parcel of the Tenements aforeſaid with the Appurtenances, to the ſaid *Robert* above in form aforeſaid demiſed, 20. Oaks, the price of every Oak 5. ſhillings, through the ſaid whole Wood here and there growing, and in a certain other Wood called the *Hedge Row*, lying in *Goring* aforeſaid, near the aforeſaid Wood called *Heighgrove*, in *Goring* aforeſaid, parcel of the Tenement aforeſaid with the Appurtenances, in form aforeſaid, to the aforeſaid *Robert* demiſed, 40. Oaks, the price of each of them 6. ſhillings, through the ſaid whole Wood here and there growing, and in a certain Coppice, called *Howe Coppice*, in *Goring* aforeſaid, parcel of the aforeſaid Tenements with the Appurtenances, to the ſaid *Robert* in form aforeſaid

above

above demiſed 100. Oaks, price of each of them 10. ſhillings, in the ſaid Coppice called *Home Coppice*, late growing here and there, And in 20. Acres of Paſture called the *Hanging*, in *Goring* aforeſaid lying there, betwixt a certain Cloſe called *High grove hill*, and another Cloſe called *Dicker grove hill*, that is to ſay, parcel of the Tenements aforeſaid with the Appurtenances, to the aforeſaid *Robert* in form aforeſaid demiſed, 10. Oaks, price of each of them 6. ſhillings, Six Aſhes, price of each of them 5. ſhillings, and 10. Beeches, price of each of them 6. ſhillings, in the aforeſaid 20. Acres of Paſture likewiſe, late here and there growing, and in a certain Hedge, of a certain Cloſe called *Home field*, in *Whitchurch* aforeſaid, that is to ſay, parcel of the Tenements aforeſaid with the Appurtenances, to the aforeſaid *Robert*, in form aforeſaid demiſed, lying near unto a Wood called *Hawes Coppice*, 3. Oaks, price of each of them 10. ſhillings, and one Beech, price 10. ſhillings, and in a certain other Hedge, of the Cloſe aforeſaid called *Home field*, in *Whitchurch* aforeſaid, that is to ſay, parcel of the Tenements aforeſaid, to the aforeſaid *Robert*, in form aforeſaid demiſed, lying near to the aforeſaid Wood called *Howe Coppice*, 10. Oaks, price of each of them 20. ſhillings, and alſo in ſuffering the ſprouts of the Roots of 20000. other little Oaks, called *Oakeſci-apling*, of 20000. Beeches, and 200. Aſhes, to the value of 20. pound, in the ſaid Wood called *Heigh grove*, and 10000. of other little Oaks called *Oakeſapling*, 10000. of Beeches, and 100. of Aſhes, to the value of 20. pound, in the aforeſaid Wood called the *Hedge Row*, and 10000. of Oaks, 10000. of Beeches, and 200. of Aſhes, in the aforeſaid Coppice called *Hawe Coppice*, by the ſaid *Elizabeth* through the whole Woods here and there growing, to be cut, and to be eaten and utterly deſtroyed and waſted with Cattel, to the diſſenheriſin of the ſaid *Richard*, and againſt the form of the Proviſion aforeſaid, Whereupon he ſaith he is the worſe, and hath damage to the value of 200. pound, and thereof he bringeth Sute, *&c.* And the the aforeſaid *Elizabeth*, by *Ralph Burges* her Attorny, cometh and defendeth the force and injury when, *&c.* And whatſoever, *&c.* And ſaith that the aforeſaid *Richard* his Action againſt her ought not to have, Becauſe ſhe ſaith, That well and true it is, That the aforeſaid *William Haw*, was ſeiſed of the Tenements aforeſaid with the Appurtenances, in his Demeſn as of Fee, and being thereof ſo ſeiſed, the aforeſaid 4th. day of *January*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 29th. aboveſaid, By his Indenture, demiſed to the aforeſaid *Robert*, the Tenements aforeſaid with the Appurtenances, (except before excepted) To have, and to hold, to him and his Aſſigns, from the aforeſaid Feaſt of the birth of our Lord then laſt paſt, until the end and Term of the aforeſaid 16. yeers, then next following and fully to be compleat and ended. By virtue of which demiſe, the aforeſaid *Robert* into the Tenements aforeſaid with the Appurtenances, above in form aforeſaid demiſed, entred and was thereof poſſeſſed, and ſo thereof being poſſeſſed, the aforeſaid 20th. day of *Auguſt* aboveſaid, granted all his Eſtate, Intereſt, and Term of yeers, which he had then to come, of and in the aforeſaid premiſes, with the Appurtenances, above demiſed, to the aforeſaid *Elizabeth Hynde*, By virtue of which grant, the aforeſaid *Elizabeth* into the aforeſaid Tenements with the Appurtenances above demiſed, entred and was thereof poſſeſſed, as the aforeſaid *Rich.* by his Declaration above ſuppoſeeth:

eth: But the ſaid *Elizabeth* further ſaith, That the ſaid *Elizabeth*, of the Tenements aforeſaid with the Appurtenances, above demiſed, in form aforeſaid being poſſeſſed, and the ſaid *William Haw*, of the Reverſion thereof, being ſeiſed in his Demeſn as of Fee, after the aforeſaid 7th. day of *May*, in the 30th. yeer aforeſaid, and before the aforeſaid Indenture of Bargain and Sale, Between the aforeſaid *William* of the one part, and the aforeſaid *Richard* of the other part made, in the Court of the Lady the Queen of the Bench, in form aforeſaid was inrolled, A Fine was levied in the aforeſaid Court of the Lady the Queen of the Bench here, that is to ſay, at *WESTMINSTER* aforeſaid, from the aforeſaid day of *Eaſter* in 15. days, in the yeer of her Reign the 30th. aboveſaid, before *Edmond Anderſon*, *Francis Windham*, *William Periam*, and *Francis Rodes*, then Juſtices of the ſaid Lady the Queen of the Bench, and other of the ſaid Lady the Queens leige People then there preſent, Between the aforeſaid *Richard*, by the name of *Richard Libb Gentleman* Plaintiff, and the aforeſaid *William Haw*, and *Ellen* his Wife Deforceants, of the Tenements aforeſaid, above in form aforeſaid demiſed, amongſt other things by the name of One Meſſuage, One Cottage, Two Gardens, 70. Acres of Land, One Acre of Meadow, 10. Acres of Paſture, 60. Acres of Wood, and 10. Acres of Furz and Heath, with the Appurtenances in *Goring* and *Whitchurch* aforeſaid, in *Maple Decam* in the County aforeſaid, whereupon a Covenant was ſummoned betwixt them in the ſaid Court, that is to ſay, that the aforeſaid *William* and *Ellen*, acknowledged the Tenements aforeſaid to be the Right of him the ſaid *Richard*, as thoſe which the ſaid *Richard* had, of the gift of the aforeſaid *William* and *Ellen*, and them remiſed and quit claimed, from them the ſaid *William* and *Ellen* and their Heirs, to the aforeſaid *Richard* & his Heirs for ever, And further the ſaid *William* and *Ellen*, granted for them, and the Heirs of the ſaid *William*, that they warrant to the aforeſaid *Richard* and his Heirs, the aforeſaid Tenements with the Appurtenances, againſt all men for ever, as by the ſaid Fine here in Court of Record Remaining more fully appeareth: Which Fine, in form aforeſaid had and levied, was to the uſe of the aforeſaid *Richard* and his Heirs, After which Fine, ſo as afore is ſaid levied, that is to ſay, the 20th. day of *April*, in the yeer of the Reign of the ſaid Lady the Queen that now is the 30th. aforeſaid, the aforeſaid Indenture to the aforeſaid *Richard*, as before is ſaid made, before the aforeſaid Juſtices of the ſaid Lady the the Queen of the Bench here was inrolled. And the ſaid *Elizabeth* further ſaith, That ſhe to that grant of the Reverſion of the Tenements aforeſaid with the Appurtenances, above as afore is ſaid demiſed, by virtue of which Fine aforeſaid, the aforeſaid *Richard* did not attorn or agree, And this ſhe is ready to aver, Whereupon ſhe demandeth Judgement, if the aforeſaid *Richard* his Action aforeſaid againſt her ought to have, *&c.* And the aforeſaid *Richard* ſaith, That the aforeſaid Plea of the aforeſaid *Elizabeth* above in Bar Pleaded, and the matter in the ſame contained, is inſufficient in Law to bar him the ſaid *Richard*, to have his Action aforeſaid againſt the aforeſaid *Elizabeth*, And that he to that Plea in form aforeſaid pleaded needeth not, nor by the Law of the Land is bounden to Anſwer, And this he is ready to aver, Wherefore for want of a ſufficient Plea in Bar in this behalf made, the aforeſaid *Richard* demandeth

demandeth Judgement, and his damages by the occaſion of the Waſte aforeſaid to be to him adjudged. And the aforeſaid *Elizabeth*, in as much as ſhe hath alleged ſufficient matter in Bar, of the Acton aforeſaid which ſhe is ready to aver, which matter the aforeſaid *Richard* doth not deny, nor to the ſame any wayes anſwereth, but to that averment altogether refuſeth, demandeth Judgement, and that the aforeſaid *Richard* be barred from having his Action aforeſaid againſt her, *&c.* And becauſe the Juſtices here will aviſe themſelves of and upon the premiſes before they give their Judgement thereof, day is given to the parties aforeſaid, here until from the day of *Eaſter* 15. dayes, to hear their Judgement thereof, becauſe the ſame Juſtices here thereof not yet, *&*.

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